United States Court of Appeals for the Second Circuit



APPENDIX

76-1070

BPS

IN THE

United States Court of Appeals

For the Second Circuit

UNITED STATES OF AMERICA,

Appellee.

against

WILLIAM E. DOULIN,

Defendant-Appellant.

On Appeal from the United States District Court for the Southern District of New York

APPENDIX

VOLUME II OF FIVE VOLUMES

(Pages 270 to 588)

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(Following in the robing room, in the absence of the jury.)

THE COURT: May the record show that we are now in the robing room.

MR. SCHWARTZ: Your Honor, continuing from this morning's discussion concerning what is called an informant file kept by the FBI, I think you did say that you might want this marked.

THE COURT: Yes.

MR. SCHWARTZ: I have in my hand what is classified as an IBI informant file which I would like to have marked as a Court's exhibit -- this is the first Court's exhibit in the trial.

I have reviewed it during the luncheon recess, and as I see it there are perhaps two things in the entire file that should be turned over to defense counsel.

There is nothing in there directly or indirectly really relating to Monell's criminal assault case, or information concerning Mr. Doulin, and the allegations underlying the perjury charges in the indictment.

The two things that I point out to the Court, which may be of interest, are the fact that over about a seven-month period, beginning in July 1971 and ending in April 172 Monell received approximately \$200 total for

that period; and the only other point which may relate to something that is in the probation report is a statement in October of 1971 in which, in substance, Monell describes his stay at the Middletown State Hospital, and he describes that as a gimmick to beat an arrest.

It seems to me those are the only two things that have any relevance to this case. There is nothing else in there that should be turned over.

you do think other things should be turned over, I would like to be heard again because I think in my view of it it may be harmful to Mr. Monell, among other things.

MR. PLATZMAN: Of course I am interested in a file of this type in that this Monell was supposed to have been working as an informant for the FBI. That is something, I think, that the jury ought to know about on the question of credibility, both as to Monell and anybody else who is introduced concerning Monell, his character, good or bad -- and some of the things that he may have done and what he informed about are just as relevant and just as important.

Unless there is something in there that involves national security or the integrity of the FBI or something that might damage us nationally, or any

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agency in some way, I see no reason why the entire file should not be made available, as we have done with everything else where it is possible to have some degree of relevancy, to be made available to the jury.

At this point, of course I do not know what is in the file so I cannot really comment to that extent.

THE COURT: I will have the file marked as Court's Exhibit 1.

(FBI file marked Court's Exhibit 1.)

THE COURT: We will proceed with Mr. Monell's direct examination

How long do you expect that will take?

MR. SCHWARTZ: I would think his direct -- well, we have one brief witness before that, and then his direct probably would be around 40 minutes, I would think.

THE COURT: Well, we may recess at the end of his direct examination -- it may be an appropriate time to recess for the day, because it is obvious the that I would be better advised to read this between the end of the direct examination and the beginning of counsel's cross; then I will comprehend the scope of the direct examination and comprehend the scope of the cross. Therefore, unless it meets with an objection from you gentlemen, why don't you proceed with the short witness, whoever that

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may be, that we then proceed to the direct examination of Mr. Monell, and then recess until Monday at 10 o'clock.

Is that agreeable, gentlemen?

MR. SCHWARTZ: That is agreeable.

(In open court; jury in the box.)

THE COURT: You may proceed.

MR. JOSSEN: Your Honor, before proceeding with the next witness, the Government renews its offer of Government's Exhibit 9 for identification in evidence.

THE COURT: That is the calendar of March 15.

MR. JOSSEN: That is correct, your donor.

MR. PLATZMAN: That was the one that I had objected to.

THE COURT: Yes. Then there was later testimony by the witness.

I will leave it to you as to whether you wish to press your objection.

MR. PLATZMAN: I still think it is not relevant.

THE COURT: Overruled. I will admit it.

MR. PLATEMAN: Thank you.

(Government's Exhibit 9 was received in evidence.)

THE COURT: That is the calendar of March 15,

1971. That does not have any notation on it regarding

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	mks 274
-	Richard Monell.
-	MR. JOSSEN: The Government calls Donald M.
	Kunze.
	DONALD M. KUNZE, called as a witness
	by the Government being first duly sworn, testified
	as follows:
1	wn toccen, May I proceed, your Honor?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. JOSSEN:

Mr. Kunze, will you please keep your voice up so that everybody in the courtroom can hear you.

How are you employed, sir?

I am employed as a supervisor with the Empire National Bank in the Bankamerica Card.

- Where is the Empire National Bank located? Q
- Middletown, New York.
- And in what capacity are you employed? Q
- . I am the supervisor. A
- How long have you been a supervisor? Q
- Since March of 1971.
- Would you briefly describe your responsibilities / Q

to us?

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A My responsibility is in credit customer service, adjustments and over-limit control.

Q Does Empire National Bank have any credit card departments in the bank?

A We issue Bankamerica Card.

Q Do you have access to the records kept with regard to the customers of Bankamerica Card?

A I do.

Q What type of records are maintained?

A We maintain applications -- the original applications. We microfilm all sales slips and bills sent to customers.

(Mr. Jossen hands to the witness.)

Q Mr. Kunze, I have placed before you three exhibits. First, with respect to an exhibit which has been previously marked as Government's Exhibit 10 for identification, can you identify it for us, please?

A (After examining) Yes. These are microfilm cards with the cardholder's statements, and with the sales slips that were sent out with that statement.

Q Now will you please tell me the period of time for which the statements are?

- A The statements are dated 3/27/71 to 4/27/71.
- Q And how are those records maintained, sir?

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They are maintained in the microfilm depart-2 ment. They are microfilmed just before the bill is 3

forwarded to the customer.

Q Are such records kept in the ordinary course of business?

A Yes, they are.

Is it the ordinary course of business to keep such records?

Yes, it is.

Now will you please examine what has been marked as Government's Exhibit 10-A for identification.

(The witness examines.)

Can you identify that?

Yes, I can.

Will you tell us what they are?

These are the original hard copies of the sales tickets mailed to the customer along with the customer's portion of the statement.

Q Have You had an opportunity to compare Exhibit 10 with Government's Exhibit 10-A?

Yes, I have.

Tell us, sir, whether the invoices reflected in Government's Exhibit 10-A are the same as reflected in Government's Exhibit 10?

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A Yes, they are the same.

Q Now, Mr. Kunze, would you please take a look at Government's Exhibit -- what has previously been marked as Government's Exhibit 11 for identification -- will you identify that, sir?

A (After examining) Yes, this is the original credit application from our files.

Q Is that a record which is kept in the regular course of business?

A Yes.

Q Is it the ordinary course of business to keep such records?

A Yes, it is.

Q Will you tell us whether that application -for what account that application is?

A Abraham Weissman.

Q Will you tell us, Mr. Kunze, whether that application is for the same account for which there are invoices in Government's Exhibits 10 and 10-A?

A Yes, it is the same.

MR. JOSSEN: The Government offers Government's Exhibits 10, 10-A and 11.

MR. PLATZMAN: I will object to that.

THE COURT: The sales ticket and the credit

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MR. JOSSEN: Yes.

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application?

MR. PLATZMAN: I object to that as an improper

foundation. 5

THE COURT: Do you want a voir dire?

PRELIMINARY EXAMINATION

BY MR. PLATZMAN:

Mr. Kunze, did you know Mr. Weissman?

Personally?

Q Yes.

No, sir.

Did he ever sign anything in your presence?

MR. JOSSEN: Objection, your Honor. That is

not a proper voir dire.

THE COURT: You are offering a record.

MR. JOSSEN: Your Honor, it is a business

record. Government's Exhibit 10 is a copy of Government's

Exhibit 10-A.

THE COURT: Yes.

MR. PLATZMAN: He says Exhibit 10-A is

accurate.

THE COURT: Let me see what --

Well, finish up your voir dire, first.

(Question read by the reporter.)

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A Not to my knowledge, no, sir.

Q when these sales slips are made up they are issued by the establishment at which the service or purchase was made, is that correct?

A Yes.

Q And somebody signs that slip at such establishment?

A Yes, sir.

Q And on any one of these sales slips that are contained in these offered exhibits, were you present when any one of these sales slips were signed?

MR. JOSSEN: Objection, your HOnor.

THE COURT: Objection sustained.

Q What happens to the sales slips after they are signed at the establishment?

A They are forwarded to the bank that signs up the establishment, who in turn forwards them to the bank of the credit card holder who in turn bills the card holder.

What happens to the original sales slip?

A The original sales slip -- the sales slip is in a two-part form. The customer, at the time, keeps the tissue; the hard one right now is forwarded back to the card holder when he is billed.

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MR. PLATZMAN: I have no other questions on

the voir dire.

I renew my objection.

THE COURT: State your grounds, and let me see the exhibits.

MR. PLATZMAN: I do not think there is any proof at this point that this was the account of Mr. Weissman as claimed (handing to the Court).

We certainly have no way of knowing that.

THE COURT: (After examining) Well, counsel has asked you to put in some evidence that the person who sig ned these various documents was Abraham J. Weissman. Th is witness id not know Mr. Weissman, did not know him . and does not know his signature.

MR. JOSSEN: Your Honor, these are business records, however, that the witness has testified are kept in the ordinary course of business.

THE COURT: There is no doubt about that, but relative to whom?

MR. JOSSEN: Relative to the person whose name is on the application.

THE COURT: I will sustain the objection at this time.

You have laid a certain amount of foundation,

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and if you can persuade to that you do not have to identify the signature of the individual, I may admit it later. This witness I do not think can add anything to what he has already testified.

MR. JOSSEN: All right, your Honor, we will renew the offer at another time.

We have no other questions of the witness at this time.

MR. F AN: No questions.

THE COURT: Thank you very much, Mr. Kunze.

(Witness excused.)

MR. SCHWARTZ: Your Honor, the Government calls Richard Monell.

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RICHARD GEORGE MONELL, called as a witness by the Government, being first duly sworn, testified as follows:

> MR. SCHWARTZ: May I proceed, your Honor? THE COURT: You may, Mr. Schwartz.

DIRECT EXAMINATION

BY MR. SCHWARTZ:

MR. Monell, I am going to ask you to keep your voice Up because the acoustics are very bad in the courtroom.

1	
1	mks Monell - direct 282
2	Where do you reside, Mr. Monell?
3	A St. Thomas, the Virgin Islands.
4	Q And how long have you lived there?
5	A Three years.
6	Q Prior to that where did you live?
7	A High Falls, New York.
8	Q Where is that located?
9	A Ulster County.
10	Q Where did you go up in New York?
11	A Newburgh.
12	Q And is that in Orange County?
13	A Yes.
14	Q How long have you lived or did you live in
15	Ulster County?
16	A Two years, maybe.
17	Q Do you recall what years ghey were, approx-
18	imately?
19	A No.
20	Q Who did you live with?
21	A . Myself.
22	Q Anyone else?
23	A Florence York.

A trailer.

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Do you live in a house or some other --

mks Q	Monell - direct 283 A trailer?
Q	A trailer?
	n cruiter.
. A	Yes.
Q	Was that the only trailer on the property?
A	No, there is three of them.
Q	Who lived in the other trailers?
A	My parents and my grandparents.
Q	And what are their names?
A	John Monell, Delevine Monell, William Grant and
Jean Grant.	
Q	Are the Grants your grandparents?
A	Grandparents.
Q	Is Mr. Grant also related to you in another
way?	
A	Yes, he is my uncle.
· Q	He is your uncle and your grandparent?
A	Right.
Q	and you are adopted by your parents, is that
right?	
A	Yes.
Q	Now let me direct your attention to April of
1968, Mr. N	Monell. Were you involved in an assault in
April, in (Orange County?
	Q A Q A Jean Grant. Q A Q way? A Q right? A Q 1968, Mr. M

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A Yes, I was.

MR. PI

MR. PLATZMAN: I am going to object to this

Monell - direct

mks

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man's background in 1968; as to whether he was involved in an assault is not mat. ial.

THE COURT: It is the underlying crime, as I understand it.

MR. PLATZMAN: I am sorry, I withdraw it.

THE COURT: It wasn't 1957.

You withdraw your objection?

MR. PLATZMAN: I withdraw my objection, yes.

Q Was that the first time that you had been in trouble with the law?

A No.

Q When was the first time?

A '55 or '56, I am not sure.

Q And what was the trouble there?

A I think it was a car theft.

		285
1	1 gwmch	Monell-direct
2	Q	Were you convicted of that crime?
3	A	Yes.
4	· Q ·	With what result?
5	A	I believe it was probation.
6	Q	How old were you at the time?
7	A	Sixteen.
8	Q.	Were you subsequently involved with law enforce-
9	ment agai	n resulting from your activities?
10	A	Yes.
11	Q	When was the next time?
12	A	Probably.1957 1954. I really don't remember
13	the date.	
14	Q	What was it for?
15	A	Disorderly conduct.
16	Q	I didn't hear you.
17	A	Disorderly conduct; traffic violations.
18	, o	You used the plural. More than one?
19	A	Probably.
20	Q	Do you remember?
21	A	No, not really.
22	Q	Do you remember how many?
23	A	No.
24	Q	More than one?
25	A	Yes.

		400
1	2 gwmch	Monell-direct
2	Q	Directing your attention to 1957, dir you in that
3	year have	any difficulty with the law?
4	A	Yes.
5	Q	What was that?
6	A	I believe it was robbery.
7	Q	What was the result of that robbery?
8	A	Five years zero to five, Elmira Reception
9	Center.	
10	Q	Did you serve any time?
11	A	Yes.
12	Q	How much?
13	A	I think 3-1/2 years.
14	Q	Tell us what you did.
15		MR.PLATZM AN: I don't think we have to go into
16	details,	if it please the Court. As I said a number of
17	times, we	don't want to try all the Monell cases.
18		THE COURT: We are not going to try them.
19		Let's get brief descriptions so the jury knows
20	what they	are. Let's not retry the cases, of course.
21		What happened?
22		THE WITNESS: It was a robbery at the hotel. I
23	grabbed t	the money and ran.
24	Q	And were you caught right after that?
25	. А	Yes, up the street.
CHARLES OF THE PARTY OF THE PAR		

1	3 gwmch	Monell-direct
2	A	Up the street?
3	A	Yes.
. 4	. Q	How much time did you say you served on that?
5		THE COURT: Zero to five at Elmira was the
6	sentence.	
7	× ×	How much time did you serve?
. 8		THE WITNESS: Roughly 3-1/2 years.
9	Q	And then what happened?
10	A	Then I was put on parole.
11	Q	And what happened while you were on parole?
12	A.	Violated.
13	Q	What happened as a result of that violation?
14	A	I was sent back to Green Haven.
15		THE COURT: Green Haven is a state prison, is it
16	not?	
17		THE WITNESS: Yes, your Honor.
18	Q	How long were you there?
19	A	I believe it was a year.
20	Q	And then what happened?
21	Α.	Then I was paroled again and I finished up my
22	time out i	in the street.
23	Q	Directing your attention to 1966, were you arrested
24	at that ti	ime?
25	A	'66? I don't remember.

Li 288 1 4 gwmch Monell-direct 2 Let me direct your attention to Paragraph 5 Q 3 of Exhibit 3-A, which is in evidence, and ask you to read that to yourself, going on to the next page. 5 "Subject was arrested" --6 Read it to yourself. 7 A Okay. 8 (Pause) 9 Does that refresh your recollection as to whether 10 you were arrested in 1966? 11 A Yes. 12 What for? 13 Robbery. 14 And what was the result of that? 0 15 The harges were dismissed. A 16 Now directing your attention again to April 1968, 17 you told us you were involved in an assault in Orange 18 County. 19 A That's correct. 20 Where did that take place? Q 21 Newburgh, New York, in a bar. A 22 What was the name of the bar? 23 I don't know what it was then. I know what is 24 now. The Bus Stop.

Where is it located in Newburgh?

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Monell-direct 1 5 gwmch I don't know the street. It is next to the bus 2 3 station, Newburgh bus station. Whom did you assault? 4 5 George DcWeaver. Q And will you tell us in your own words how that 6 7 assault occurred? MR. PLATZMAN: If it please the Court, I think we 8 have gone into the details of this now as far as we ought 9 to, at least in the probation report. If we are now going . 10 into the charges and the his defenses and his determination 11 to plead and all those factors, I think we are getting 12 13 far afield. THE COURT: Overruled. 14 Yes. It was a shooting incident. 15 A Whom did you shoot? 16 Q 17 George DeWeaver. A Did you know him? 18 Q 19 Yes. A How did you know him? 20 Q From living in the town, in the City of Newburgh. 21 A Had you ever been involved in any incident with 22 23 him before this? With George DeWeaver? 24

25

Yes.

Q

1	6 gwmch	Monell-direct
2	A	Yes.
3	Q	What was that?
4	. А	We had an argument.
5	Q	An argument?
6	A	A fight, yes.
7	Q	And then you saw him this night at the bar?
8	A	Yes.
9	Q	And tell us what happened.
10	A	He was in back playing pool. He walked outside
11	of the ba	ar. I walked out behind him, hit him with a pistol,
12	it went o	off, and then I lef t the scene.
13	Q	Who was with you when the pistol went off?
14	A	I don't remember.
15	Q	Where did you go?
16	A	I picked up a car that I had parked in the parking
17	lot and	I went away.
18	Q	Where did you go?
19	A	Over to Windsor at a friend of mine's house.
20	Q	What did you do there?
21	A	I left my car.
22	Q	Was anybody with you?
23	A	Yes.
24	Q	Who?
25	A	Florence York.

1	7 gwmch	Mone ?-direct
2	Q	Was she with you when you left the bar?
3	A	Yes.
4	· Q	Did there come a time that formal charges were
5	placed ag	gainst you in connection with this assault?
6	A	Yes.
7	Q	Prior to that, had you contacted the district
8	attorney	's office?
9	A	No. I contacted my lawyer.
10	Q	You had a conference with a lawyer?
11	. А	Yes.
12	Q	Who was that?
13	A	I don't remember.
14	Q	Do you remember how you came to the lawyer?
15	A	Yes. Through a friend of mine.
16	Q	Do you remember where the lawyer's office is
17	located?	
18	A	I remember his name. Finkelstein, I believe it
19	was.	
20	Q	As a result of that meeting with Mr. Finkelstein,
21	what hap	ppened?
22	A	We then went across the street. He surrendered
23	me to t	he Newburgh courthouse.
24	Q	And tell us what happened then?
25	A	Then I went before the judge. He set the bail

1	8 gwmch Monell-direct
2	and I had to wait for a bondsman to come up from Westchester
3	County.
4	Q And was bail paid?
5	A Yes.
6	Q And you were released?
7	A Yes.
8	Q Do you know who put up the bail for you?
9	A I believe my parents.
10	Q Do you know whether they put it up in cash?
11	A Property, I believe.
12	Q Did there come a time when you were then indicted
13	for this assault?
14	
15	Q And did you appear in court to answer to that
16	indictment?
17	A I did.
18	Q That was in Orange County?
19	
20	Q What plea did you enter to that indictment?
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2	Q Did you have counsel at that time?
2	A I think I was appointed counsel then by the judge.
2	Q Who was appointed, if you recall?
:	A Norman Shapiro.

. 1	6 cumch Monell-direct
1	y gwile.
2	Q And did he continue to represent you throughout
3	this case?
4	A He did.
5	Q Did there come a time that you changed your plea
8	in the case?
7	A Yes.
8	Q When was that, if you recall?
9	A I don't recall the date now.
10	Q Directing your attention to the cover of
11	Exhibit 1, which is in evidence, to the line which states
12	"day of trial," would you read that to yourself?
13	A I see. That's correct.
14	Q Speak up.
15	A That's correct.
16	Q That was December 14, 1970?
17	A Yes.
18	Q And what did you change your plea to?
19	
20	Q Prior to changing your plea but after you were
2	indicted, did you have any conversations with members of
2	your family concerning your case?
2	3 A Yes.
2	Q In particular, did you discuss it with your
5	25 grandmother?

1	10 gwmch Monell-direct
2	A Yes, I did.
3	Q Do you recall how often you discussed it with
4	her?
5	A Not how many times, no, sir.
6	Q Do you recall certain conversations?
7	A Yes.
8	Q When is the first one you recall?
9	THE COURT: Let me clear one thing up.
10	In late 1970, how many grandmothers did you have?
11	THE WITNESS: One.
12	THE COURT: And that was Jean Grant?
13	THE WITNESS: Yes, sir.
14	Q I was asking, Mr. Monell, if you recall the
15	first conversation you had with your grandmother after you
16	were indicted.
17	A Yes.
18	Q Do you scall when that occurred?
19	A Maybe two to three months after indictment.
20	Two months, I would say.
21	Q And did you subsequently have another conversation
22	with her?
23	A Yes.
24	Q Now, directing your attention back to December
25	of 1970, were you having any family court problems at that

- 1	
1	11 gwmch Monell-direct
2	time?
3	A Yes, I was.
4	Q Would you tell us what they were?
5	A Nonpayment of support.
6	Q You weren't paying support?
7	A Right.
8	Q Were you mailed for that?
9	A Yes.
10	Q Do you recall when that was?
11	A Around Christmas time.
12	Q Do you remember what year?
13	A No, I just remember it was in the winter.
14	MR. SCHWARTZ: May I have this marked Government's
15	Exhibit 12 for identification.
16	(Government's Exhibit No. 12 was marked for
17	identification.)
18	Q Mr. Monell, let me show you Government's Exhibit 12
19	I am going to take one sheet of paper out of it and direct
20	your attention to one line in that, and see if it helps
21	you remember when you were jailed in family court.
22	You are shaking your head or you are modding
23	your head. Do you remember now?
24	A Yes.
25	Q When was it?

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II	
1	12 gwmch Monell-direct
2	A December, I believe.
3	Q What year?
4	A '70.
5	Q How long a sentence did you get in family court?
6	A Six months.
7	Q How much time did you serve?
8	A Three weeks.
9	Q After you were released, where did you go?
10	A Home to High Falls.
11	Q Do you remember what time of year it was when you
12	were released?
13	A Right before Christmas, I believe. Yes, it was.
14	Q And then where did you go?
15	A To High Falls, New York.
16	Q To the property where your parents and grand-
17	parents lived?
18	A Yes.
19	Q After you returned, did you have a conversation
20	with your grandmother, Mrs. Grant?
21	A Yes.
22	Q Where did this conversation take place?
23	A In my trailer.
24	Q Was anyone else present, if you recall?
25	A Not that I remember, no.

And tell us as best you recall what you said

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THE COURT: Well, this particular conversation, I assume, is being offered subject to connection; is that right?

MR. PLATZMAN: I will object to that.

to your grandmother and what she said to you.

MR. SCHWARTZ: That's correct, your Honor.

THE COURT: Ladies and gentlemen, if the Government is able to demonstrate by independent evidence that a conspiracy existed and that Mr. Doulin was a member of the conspiracy, the acts and declarations in furtherance of the conspiracy of any alleged co-conspirators, this would include Jean Grant and Mr. Monell, or of persons engaged in a joint enterprise, those statements, declarations or acts allegedly in furtherance of the conspiracy are admissible and may be considered against the defendant.

I caution you that it is necessary for the Government to demonstrate during the course of this case by independent evidence that a conspiracy in fact existed and that Mr. Doulin was a member of that conspiracy.

So these statements now, the conversation between Mr. Monell and his grandmother, are being introduced subject to connection by the Government, subject to further proof by the Government. Whether that connection is made and

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whether that further proof is appropriate and sufficient is for the Court.

In the event I determine it is, you may then consider this conversation against the defendant. If I determine that it is not, then I will instruct you to disregard this conversation and not have it play any part in your consideration of this case.

MR. SCHWARTZ: May I proceed?

THE COURT: You may, Mr. Schwartz.

Q Mr. Monell, you were about to tell us about a conversation with your grandmother after you were released from family court jail.

Would you please tell us, as best you recall, what she said to you and what you said to her?

A Well, I believe my sentencing wasn't too far away and she said that I was to stay out of trouble, make my support payments and keep working, and not to go Newburgh.

That's all.

- Q Did you have a subsequent conversation with her about going to Newburgh?
 - A Yes, I did.
 - Q And was that before you were sentenced?
 - A Yes.
 - Q And where did that conversation take place?

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A In my trailer.

MR. PLATZMAN: I have the same objection and, in any event, I would like counsel to fix the date, if possible.

THE COURT: Yes. The objection is on the same grounds?

MR. PLATZMAN: Yes, your Honor.

I direct the jury in the same regard. This is another conversation which I will consider later as to whether the Government has offered sufficient proof. You will be hearing it now and I will determine later whether the conversation should be considered by you when you retire to deliberate on this case.

Would you fix the date of this second conversation between Mr. Grant and Mr. Monell?

MR. SCHWARTZ: I will try to do the best I can.

- Q It was after the first conversation; is that correct?
 - A Yes.
 - Q And it was before your sentencing on March 5th?
 - A That's right.
 - Q Do you recall the date of the conversation?
 - A No.

there?

1	17 gwmch Monell-direct
2	A Yes, she did.
3	Q What did she say?
4	A She told me that Denny Maher had spoken to someone
5	that had reported that I was seen in Newburgh.
6	Q Did she describe who the someone was?
7	A Yes, she did.
8	Q Who?
9	A Dennis Maher.
10	Q Who had Mr. Maher spoken to?
11	A She described him as our friend.
12	Q Did she describe any relationship between "our
13	friend" and Mr. Maher?
14	A A nephew.
15	Q Had you heard your grandmother use the expression
16	"our friend" before?
17	A Yes.
18	Q In reference to whom?
19	A Mr. Doulin.
20	MR.PLATZMAN: I am going to object to that.
21	I didn't know he had reference to the defendant.
22	I ask the answer be stricken out. I would like
23	to see facts, how hiw conclusion was arrived at.
24	MR. SCHWARTZ: He is testifying to a conversation
25	with his grandmother and an expression she used.

18 gwmch

Monell-direct

THE COURT: Yes, but he wants to establish when and where and under what circumstances he heard it before.

Is that my understanding, Mr. Platzman?

MR. PLATZMAN: Yes.

THE COURT: It is appropriate because he did add something which I will consider nonresponsive to the question posed, and if I may hear the question again and the answer, I'll take appropriate action.

(Record read)

THE COURT: I will strike the last question and answer. The jury will disregard it.

If you wish to pursue this line, Mr. Schwartz,

I will ask you to go back.

(Continued on next page)

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Monell - direct

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Were you present when she used a name in connection with the expression "our friend"?

- A Yes.
- Q Was anyone else present, do you recall?
- A Not at that time, no.
- Where did this conversation take place?
- A In my trailer.
- Q Do you recall when it took place?
- A In the winter time.
- O Do you recall when?
- A The exact date, no.
- Q And what name did your grandmother use to describe "our friend"?
- MR. PLATZMAN: I am going to object to that, your Honor.

THE COURT: Sustained.

You are leading.

Q What did your grandmother say about the expression "our friend"?

MR. PLATZMAN: Well, I am still going to object to the form of that question.

THE COURT: What if anything did your grandmother say at the time of this conversation where she used the words "our friend"?

THE WITNESS: Your Honor, she didn't have to mention a name. I knew what she was speaking about -- who she was speaking about.

THE COURT: Well, why don't you tell us, then, ahout the conversation itself -- what did she say to you and what did you say to her?

THE WITNESS: She said to me if I did not stay out of Newburgh, if I did not behave I would be hurting our friend.

Q Had she used that expression before, "our friend"?

A Yes.

Q Do you recall when she used it before, any particular occasion?

A Many times.

Q Well do you recall one in particular?

A No.

MR. SCHWARTZ: I will go on from here, your Honor, if I may.

Q Let me direct your attention, Mr. Monell, to the time before you pleaded guilty in your assault case.

Did you have any conversations with your grandmother concerning that?

A Yes.

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MR. PLATZMAN: May we fix a date?

THE COURT: Give him a chance. If he was

going right into the conversation I would say your objection

lies, but I think it is a little premature.

Go ahead, Mr. Schwartz.

- Q Do you recall how long before you entered your guilty plea that the conversation took place?
 - A Probably two weeks before.
 - Q Where did the conversation take place?
 - A Either at my trailer or my grandmother's.
 - Q Do you recall whether anyone else was present?
 - A No, I do not recall.
- Q Tell us as best you recall what your grandmother said to you and what you said to her?
 - A She told me that I was -- well --

MR. PLATZMAN: If the Court please --

MR. SCHWARTZ: Your Honor, I object to these continuous objections which are merely making it difficult for the witness to testify.

THE COURT: He is trying to protect his record, and I think that is appropriate.

I will, however, to make it easier for both of you, give you a continuing objection to this series of conversations between Mr. Monell and his grandmother.

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MR. PLATZMAN: Thank you.

THE COURT: I make the same ruling that I did previously to the first two conversations on which I have ruled.

Is that satisfactory?

MR. PLATZMAN: Yes, sir, thank you.

THE COURT: Now we are back to two weeks before entering your guilty plea, which is what -- about December 1, 1970?

THE WITNESS: Yes.

THE COURT: You were in your trailer.

THE WITNESS: Yes, sir.

THE COURT: And your grandmother and you were

THE WITNESS: Yes.

THE COURT: You do not remember whether anyone else was there.

THE WITNESS: No, I don't remember.

THE COURT: And you had a conversation with your grandmother?

THE WITNESS: Yes.

THE COURT: To the best of your recollection will you tell us, in words or substance, what she said to you and what you said to her?

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THE WITNESS: She told me since my sentencing was coming up in a couple of weeks I was to plead to attempted assault 2 and I would receive five years' probation.

- This was before you pleaded guilty?
- That is correct.
- And then what happened concerning your criminal case?
 - Then I changed my plea. A
 - To quilty? Q
 - Yes.
- After that did you have any conversations with Q your grandmother about your criminal case?
 - No, not that I remember, no. A
 - Other than the ones you have told us about?
 - Right.
 - Did there come a time when you were sentenced --0
 - Yes.
 - -- on this case? Q
 - Yes. A
 - Do you recall when it was, approximately? 0
 - I don't recall the date, no. A
 - Do you recall the sentencing?
 - Yes. A

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- Q Were you in court?
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 - Q Who was there ith you?

Yes.

- A My attorney, Norman Shapiro; Miss York was in the courtroom.
 - Q Do you remember who the judge was?
 - A Yes.
 - Q Who
 - A Abe Isseks.
 - Q And do you remember who was there for the District Attorney's office?
 - A Jerry Cohen.
 - ϱ Tell us as best you recall what happened in court on that date?
 - A Well, I was led in by the guards, put before the bench, and Judge Isseks pronounced sentence.
 - Q Do you recall what the sentence was?
 - A Zero to two and one-half in Sing Sing.
 - Q And did you say anything to anyone when you heard that?
 - A Yes.
 - Q Who did you say it to?
- 24 A My attorney.
 - Q Mr. Shapiro?

1	mks Monell - direct 310
2	A Yes, sir.
3	Q What did you say?
4	A I said, "Something's wrong."
5	Q What did he say?
6	A "Keep quiet."
7	Q And then what happened.
8	A And then he Mr. Shapiro approached Mr. Cohen,
9	and the judge was getting up to leave, and they were trying
10	to get Judge Isseks' attention but he was leaving.
11	Q And did you say or do anything?
12	A Yes. I called to Miss York. I told her to
13	get in touch with my grandmother.
14	Q And then what happened?
15	A Then I was led away back to the County Jail.
16	Q Now did there come a time that you were re-
17	sentenced on March 26th?
18	
19	Q Between your first sentence and your second
20	sentence did anyone visit you in jail?
2	A Yes.
2	Q Who?
2	
2	Q Do you recall how many times she visited you?

At least 12.

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Q Did you have any conversations with her when she visited you?

A Yes.

Q Do you recall those conversations?

A Yes.

Q And would you tell us as best you recall what she said to you and what you said to her?

MR. PLATZMAN: I am going to objecto that because this is certainly far beyond even a claim of conspiracy with Miss York. Miss York is now part of this conspiracy?

MR. SCHWARTZ: That is correct, your Honor, she certainly is.

MR. PLATZMAN: No allegations to that effect in the indictment.

MR. SCHWARTZ: It is certainly in the memorandum of law, your Honor.

THE COURT: Well, the Government made a representation to the Court. I am going to allow the conversation, subject to connection, and I assure you if the representation is not lived up to, it will not be a good thing.

MR. SCHWARTZ: I understand.

MR. PLATZMAN: I would like to add a plea of

2 surprise.

MR. SCHWARTZ: Your Honor, I will object to characterizing --

THE COURT: I think surprise may not apply.

Let me go back, because I have a recollection of some of this. I received each of your memoranda, and it is in here, on page 2 of the me candum, a copy of which I know was served upon you and given to the Court -- page 2.

So it is not surprise.

MR. PLATZMAN: I must admit that I have had thousands of documents handed to me --

MR. SCHWARTZ: Your Honor --

THE COURT: All right, let's not have any more.

MR. PLATZMAN: All right.

THE COURT: In any event, both the Court and the counsel received notice of this position by the Government. Needless to say that only takes care of surprise. The Government will still have to demonstrate the fact that Miss York was a co-conspirator along with the other alleged co-conspirators.

MR. PLATZMAN: I would like to add, though, for the record, in view of that, as a practical matter,

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that I have not had adequate notice.

MR. SCHWARTZ: Your Honor, I would object to

THE COURT: Not in front of the jury, Counsel.

You answered "ready" in front of this jury. You have

preserved certain rights without the jury having been

present. Those will be preserved for you.

MR. PLATZMAN: Yes.

THE COURT: So far as that is concerned, there will be no prejudice.

The objection will properly lie, and I will rule on your objections as they have been made in the record.

I find further comment to be unnecessary.

MR. PLATZMAN: All right.

BY MR. SCHWARTZ:

Q MR. Monell, you were about to tell us the conversation with Flo York that took place when she visited you in jail in March of 1971.

MR. PLATZMAN: I understood this was some other person.

THE COURT: I think that your misapprehension is by virtue of the fact that we know her by two names.

I believe you originally identify the lady as Flo York.

THE WITNESS: York, that is right.

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THE COURT: And I would suggest that that is probably the name of "all --

THE WITNESS: Yes, it is now Hall.

THE COURT: In any event, Flo York Hall is the same individual.

THE WITNESS: The same person.

- Will you tell us what the conversations were?
- Yes. I asked her -- I said, "What happened?" She said that she didn't know, they were making phone calls to try to find out what happened.
 - Did she say anything else?
 - Not on that visit, no.
- Was there a subsequent visit when she gave more Q information?
- Yes, maybe a week after that, after the previous visit.
 - And what was that conversation?
- She said they were having trouble getting a hold of Mr. Doulin because he was in the Bahamas or Florida.
 - Anything else? 0
- "Just sit tight", which I didn't have any A choice.
 - Did she visit you agair? Q

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Many times.

Q And do you recall what she said in those conversations?

MR. PLATZMAN: Well, are we talking about a specific conversation?

THE COURT: I think you have to take them one at a time. There seem to have been many visits, and to lump them all at this stage is unfair.

BY MR. SCHWARTZ:

- Do you recall the next visit?
- No.
- Do you recall any other specific conv reations with Flo York Hall?
 - Not that really stands out, no.
- Q Did you receive this message that you told us about just before on other occasions while you were in jail from Flo Hall?

MR. PLATZMAN: I am going to object to the form of that question.

THE COURT: Leading, among other things.

- Did you receive the same information more than 0 once?
 - Yes, to sit tight.
 - Did there come a time that you were removed from

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Monell - direct

mks

the Orange County Jail facility?

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Yes.

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And where were you taken?

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Orange County Court.

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Q Prior to that had you been removed before, do

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you recall, from the facility?

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Yes. I was taken to Sing Sing once, and they

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refused me.

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Do you recall when that occurred?

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Maybe one to two weeks or three weeks before or after the original sentencing.

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In any event, they removed you.

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Yes. A

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And you were returned to the Orange County Jail?

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Yes.

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Did there come a time when you were then re-

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Yes.

sentenced?

Abe Weissman.

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Tell us what happened on that date?

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I was taken into court and I received a zero to five probation.

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Who was present on that date?

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Miss York, Norman Shapiro, Judge Isseks, and

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Q And what happened after your sentence was changed?

A I went back to the County Jail to be processed out -- to be processed. I picked Up my personal belongings.

- Q And then where did you go?
- A To the Probation Department.
- Q And after that?
- A I filled out some probation reports and papers, and after that I went home.
 - Q After you were home --

THE COURT: May I just clarify one thing that is a little unclear?

Do you have any recollection about having been back in court between the original sentencing, when you received zero to two and a half and the resentencing when you received zero to five probation?

THE WITNESS: I was not back in court -- in between that, no.

THE COURT: For any purpose.

THE WITNESS: No.

- Q After you returned home from the jail did you have any additional conversations with your grandmother?
 - A Not that I remember, no.
 - Q Did you have occasion to go any place with your

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1	mks	Monell - direct	318
2	grandmother	in a car?	
3	A	Yes.	
4	Q	In whose car?	
5	A	My grandmother's and grandfather's.	
6	Q	Does your grandmother drive?	
7	A	No.	
8	Q	How long after you were released from jail	. did
9	you go when	cever you went in this car?	
10	A	Possibly a month about a month, yes.	
11	Q	And where did you go?	
12	A	Mr. Doulin's funeral parlor.	
13	Q	Did you go in?	
14	A	No.	
15	Q	You stayed outside?	
16	. A	Yes.	
17	Q	Where in the car?	
18	A	In the car.	
19	Q	Who left the car?	
20	A	Excuse me?	
21	Q	Who left the car?	
22	A	My grandmother and grandfather.	
23	Q	And where did they go?	
24	. A	Into the funeral home.	
25	Q	You saw them go in?	

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1	mks	Monell - direct	319
2	A	Yes.	
3	Q	And how long were they in there, do you	
4	recall?		
5	A	An hour, 45 minutes.	
6	Q	And then when they came out what happened?	
7	A	We drove back up to High Falls.	
8	Q	Was that the first time after your release	from
9	jail that t	they had gone to Doulin's?	
10	A	No, once before.	.,
11	Q	How long before?	
12	A	A week.	
13	Q	And who told you where they were going?	
14	A	They did.	
15	Q	Who?	
16	A	му	
17		MR. PLATZMAN: I'm going to object now as	to
18	what someb	ody else may have told him about where they	were
19	going.		
20		Now we are getting hearsay upon hearsay.	
21		THE COURT: I will sustain the objection	to the
22	form of th	e question.	

Rephrase the question.

Did you have a conversation with your grand-

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mother?

1	mks	Monell - direct 320
2	A	Yes.
3	Q	And where did that conversation take place?
4	. 1.	In the driveway of her property.
5	Q	And where was your grandmother?
6	A	In the car.
7	Q	Do you recall who was with her?
8	, A	My grandfather.
9	Q	Anyone else?
10	A	No.
11	Q	And what if anything did your grandmother say
12	to you?	
13	A	They said that they were going down to see
14	Bill.	
15	Q	Anything else?
16	A	No.
17	Q	Now, Mr. Monell, in 1971 did you have any
18	money?	What was your financial status?
19	A	No, I didn't have any money.
20	Q	Did you owe money on family support payments?
21	A	Yes.
22	Q	Did there come a time in 1972 when you left
23	meter C	county where you were living?
24	A	Yes.
25	0	Where did you go?

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1	mks Monell - direct 321
2	A Newburgh, for about a week.
3	Q And then
4	A Two weeks. After that, Miami.
5	Q And after that?
6	A St. Thomas.
7	Q And that is where you have been since you went
8	to St. Thomas?
9	A For three years.
10	Q Now I want to direct your act intion back to the
11	time you were in jail in the Family Court
12	A Yes.
13	Q Do you recall being released, I think you said,
14	before Christmas?
15	A At night, right.
16	Q Where did you go after you were released?
17	A High Falls.
18	Q Did you have a conversation with anyone at that
19	time in High Falls concerning your release?
20	A Yes, I did.
21	Q Who?
22	A My grandmother.
2	Q Where did that conversation take place?
2	A In her trailer.
2	Q Was anyone else present that you recall?

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No.

MR. PLATZMAN: I think I missed beat on this.

When was this supposed to have taken place?

THE COURT: I understood it to be shortly after

he was released from jail where he was for non-support.

MR. SCHWARTZ: That is correct, your Honor.

MR. PLATZMAN: That was in 1970.

THE WITNESS: 1970.

MR. SCHWARTZ: That is correct.

THE COURT: That is my understanding, yes.

BY MR. SCHWARTZ:

Q What if anything did your grandmother say to you at that time?

She said that I would have to take care of my payments at court and that I would have to keep working because if I didn't I would be letting down our friend.

- Now you mentioned a name before, Denny Maher? Q
- Yes. A
- How long have you known him? Q
- 10 years, 15 years. A
- Is he a friend of yours? Q
- He is an acquaintance. A
- Do you know any members of his family? Q
- Yes. A

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Honor?

Q Do you know if he is related to Mr. Doulin?

A That is what Mr. Maher told me, yes.

MR. PLATZMAN: Well I am going to object to that and move to strike it out. I move to strike out the answer.

THE COURT: The jury will disregard it.

Q Do you know of your own knowledge whether he is related to Mr. Doulin?

A No.

MR. SCHWARTZ: May I have a moment, your

(Mr. Schwartz confers off the record.)

MR. SCHWARTZ: I have no further questions, your Honor.

THE COURT: Ladies and gentlemen, it is 4.15 p.m., and it is Friday afternoon.

Does anyone object to my recessing court at this earlier than usual hour?

(No response.)

THE COURT: So I would suggest that this is an appropriate time for us to recess for the weekend.

Before you leave I should like to give you some instructions:

First, we will recess at this time, and I

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direct the jury to return to continue hearing this case Monday morning at 10 a.m.

When you do leave I would ask our fourth alternate juror to remaind behind. I do want to speak to him.

I send you home with this admonition:

Do not discuss the case among yourselves over the weekend. I am sure you will be with your family and friends. Do not discuss the case with your family or your friends.

Do not read any newspaper article, listen to any radio broadcasts or view any television programs which discuss the case. If you should see something or hear something immediately cease and desist from doing any reading or viewing or listening relative to this case.

The reason for that is that everything that you learn about this case you should learn within this courtroom and not from any other media.

In the event that you do learn anything about this case from any source outside the courtroom, you are instructed to report the matter to me at once when we reassemble on Monday.

Finally, you still have a way to go, as I

think you all are aware of, and in view of that fact I ask you, as I have before, to keep an open mind on all facets of the case until the case has been completed and has been given to you following my charge.

We will proceed on Monday at 10 a.m., and I anticipate that on Monday we will proceed until 5 p.m.

The jury is excused and directed to return Monday at 10 a.m.

Have a pleasant weekend.

(Whereupon the jury left the courtroom.)
(Continued on next page.)

of day

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THE COURT: Mr. Monell, you are excused. You are directed to return Monday morning at 10:00 a.m., when we will be proceeding with the cross-examination.

MR. SCHWARTZ: Thank you, your HOnor.
(Witness temporarily excused)

THE COURT: Gentlemen, as I indicated to counsel in the robing room, our fourth alternate juror, Mr. Isaac Goldfield, advised me that he had a problem relative to his job and he was quite fearful that if he did not return to work on this coming Monday, the job might be endangered. He therefore requested to be excused.

I consulted with counsel in connection with this matter, unless I hear some objection from counsel, prepared to excuse Mr. Goldfield at this time.

MR. SCHWART: No objection, your Honor.

MR. PLATZMAN: No objection.

THE COURT: Mr. Goldfield, we observe your problem and we certainly do not want you to have problems with your supervisor or with your job.

Therefore, although I anted to keep you, if possible,
I felt your best interests were served if we excused you.
Therefore, you are excused with the thanks of the Court.

ALTEPNATE JUROR NO. 4: Thank you very much.

THE COURT: Please do not discuss this case with

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any of your fellow jurors.

You are excused from any further service. You are excused. Thank you.

(Adjournment taken to November 10, 1975 at 9:30 a.m.)

UNITED STATES OF AMEPICA

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75 Crim. 630

WILLIAM E. DOULIN

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November 10, 1975 9:40 a.m.

(Trial resumed)

(In open court; jury not present)

morning is that I am prepared to rule relative to the material contained in Court's Exhibit 1 for identification.

I have reviewed Court's Exhibit 1 for identification and direct the Government, if they have not already done so, to furnish the defendant with three items:

- The defendant Monell's criminal record.
- 2. The memorandum dated October 7, 1971, consisting of two pages. I believe this information has heretofore been revealed to the defendant's attorney, but I think he should have it in connection with his cross-examination. It has to do, among other things, with the fact that the witness appears to have been a patient at Middletown State Hospital in 1957. Apparently, it is the witness' position this was a "gimmick" to beat the arrest of 4/14/57 for robbery second.

And finally, 3, a copy of the Teletype dated

July 16, 1971, consisting of two pages. This has a brief

description of the crime which has been the subject of

this case, and also would appear to indicate that at that

time, in July of 1971, Mr. Monell began furnishing certain

information to the Federal Bureau of Investigation.

The balance of the file has been reviewed by the Court and the Court has concluded that it does not come within the broadest definition material required to be provided under 3500 or Brady material.

That is the ruling of the Court.

MR. SCHWARTZ: Your Honor, may I remove Court's Exhibit 1 from the courtroom to make the copy? That is the Government's only copy in the courthouse.

MR. PLATZMAN: May I hafe an opportunity to look at this?

THE COURT: Why don't you look at it now? I will personally take out the items. I think you pretty much have his criminal record, and the other material is very short. I have marked it with paper clips, and I can remove that.

MR. SCHWARTZ: Fine, your Honor.

THE COURT: I think you should have it promptly so you can determine whether you want to work it into your

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cross-examination.

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Do you have a copy of his criminal record, Mr. Schwartz?

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MR. SCHWARTZ: I am looking for another copy. THE COURT: That is on the top here. I will mark

the place where I have removed the material with paper clips.

(Discussion off the record)

MR. SCHWARTZ: Your Honor, it is the top sheet which is the criminal record.

THE COURT: What we will do is mark the criminal record as Court's Exhibit C-1; the memorandum of October 7, 1971 as C-2, and the Teletype of July 16, 1971 as C-3.

I will turn them over to you, Mr. Schwartz, with the request that you turn them over to Mr. Platzman.

Miss Kruger, will you now turn over Court's Exhibits C-1, -2 and -3 to Mr. Schwartz, so he may look at them, and then I would ask you, Mr. Schwartz, to turn them over to Mr. Platzman so he may, to the extent he wishes, incorporate them in the cross-examination which he will conduct of Mr. Monell.

MR. SCHWARTZ: Your Honor, I have Court's Exhibits 1, 2 and 3 --

THE COURT: C-1 --

MR. SCHWARTZ: -- C-1, C-2 and C-3, and in addition to that, Exhibit 3527, which is another so-called rap sheet and criminal record of Mr. Monell. I am turning all that over to Mr. Platzman now, in addition to the 3500 material previously furnished to him.

Your Honor, while we are discussing Mr. Monell,
I might ask that when he does take the stand again, I
would request permission to finish up with a few more
questions on direct, in part related to the material that
is being turned over today.

THE COURT: Since cross has not begun, I'll let you do that.

MR. SCHWARTZ: Thank you, your Honor.

Your Honor, I believe Mr. Jossen would like to address the Court. In part, it relates to a witness we expect to follow Mr. Monell. The reason we would like to take it up now is that Mr. Monell has not arrived as yet and we are prepared to put Mr. Jossen's witness on if that becomes necessary.

MR. JOSSEN: Your Honor, in connection with what I would like to discuss with the Court, might I suggest we approach the side bar to discuss it?

THE COURT: Go into the robing room.

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(In the robing room)

MR. JOSSEN: Your Honor, a few matters.

First, the Government expects to call this morning a witness by the name of Flo Hall.

THE COURT: Flo York Hall?

MR. JOSSEN: Previously referred to as Flo York in the testimony.

With respect to Mrs. Hall's testimony, the Government would like to bring to the Court's attention two or three matters, and request a ruling from the Court with respect to the same.

First, I am advised that Mrs. Hall was divorced from her former husband, Mr. York, in 1956, on the grounds of adultery in New York State. The Government would respectfully request that that is a matter which should not be examined into on cross-examination in connection with the witness in view of the significant amount of time which has elapsed since those events.

THE COURT: Who divorced whom? Who charged whom? MR. JOSSEN: It is my understanding that Mrs. Hall, Mrs. York at that time, was charged by her husband with committing adultery.

I am further advised that the divorce was uncon-*tested.

MR. PLATZMAN: I think this goes to the question of credibility, honesty, relationships with people, whether she could testify falsely or not.

THE COURT: We don't allow criminal convictions
which are more than ten years old in under our rule.

I am inclined to think that this should not be considered
as more serious than a ten-plus year old criminal conviction.
You are talking about an event that occurred eighteen
years ago.

I think it is a matter clearly within the Court's discretion one way or the other.

MR. PLATZMAN: Since we have so much of this,

Judge, that involves hearsay, I think the individuals who

are being asked to produce all of this hearsay evidence

are being questioned, I think we should have also greater

leeway in challenging the character of those people.

If it was direct testimony, I would say maybe we could be a little bit tighter, but almost all of this is so far basically hearsay --

THE COURT: You have a fact that she was living with him unmarried, and it would seem to me you can inquire about that without any hesitation.

MR. PLATZMAN: Under our present mores of the young people today, I am not sure that is something we can

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criticize. It is pretty widespread among the younger element.

However, whether one cheats on his mate or not is something that wasn't accepted then and it still isn't quite accepted.

THE COURT: I gather this was uncontested and you know and I know at the time in question there was only one ground for divorce in the State of New York, and to say the least, divorces at that time based on that ground were not always free from suspicion.

MR. PLATZMAN: Except this, that if we take that into consideration, and I do, and I was around in those days, too, and therefore didn't bother with divorce matters, we also know when they did take place, when it was a prearranged thing, it was a husband that assumed that position. Very rarely was it the wife, and only when the facts showed it was really the wife.

If we recognize what your Honor says, I think we have to recognize the additio. spect to that situation, and we are all aware of it, and the law has been changed.

MR.JOSSEN: I believe in the circumstances of this case that it would have been factually difficult, since I am informed Mr. York at around this time was in fact incarcerated in the federal penitentiary.

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THE COURT: Both of you agree that this falls within the exercise of the Court's discretion?

MR. JOSSEN: Yes, sir.

MR. PLATZMAN: I would think so.

THE COURT: In view of the remoteness of time, some eighteen years prior to today, I am going to exercise my discretion to limit the cross-examination on the subject. If there is an evidence of adultery within the last ten years, I would permit it. Going back beyond that time, I think is remote in point of time and therefore I would indicate to you now that I would not permit cross-examination on the subject of adultery at the time or prior to the witness' 1957 divorce.

Of course, you can object to my excluding this evidence and you have an exception.

MR. PLATZMAN: I would like the record to indicate without researching the problem my first gut feeling is that it is discretionary. I am not sure. There is no section that I know of that prohibits that testimony.

MR. JOSSEN: Your Honor, I might add --

THE COURT: Let Mr. Platzman finish.

MR. PLATZMAN: It is my recollection the rules have some reference to convictions, but that they don't cover other aspects of testimony which might concern themselves with

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the credibility of the witness, and I would urge that, while I really can't say that this is testimony which should not be excluded because of the time factor.

MR. JOSSEN: The rules are clear with respect to any conviction as to a crime that is discretionary. The rules include a ten-year time limit beyond which there should be no inquiry into prior convictions.

THE COURT: We are speaking of Rule 609 and the time you mentioned is the ten years set forth in (b).

I would suggest, however, we are not talking about a conviction of a crime. I would suggest that I am basing my ruling on latitude permitted me under Rule 403 which permits me to exclude what otherwise might be considered relevant evidence on the grounds of unfair prejudice.

The rule reads:

"Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time or needless presentation of cumulative evidence."

I rest my decision on the former part of Rule 403.

MR. PLATZMAN: Then as far as the record is

concerned, I would like to state that it is my opinion that

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403 does not apply, and we object to your Honor's ruling on that ground.

THE COURT: Off the record.

(Discussion off the record)

MR. JOSSEN: Your Honor, there are two other matters in connection with the same witness.

The Government checked to determine whether

Mrs. Hall or Mrs. York has any record of prior criminal

convictions or arrests. I am informed that no such record

actually exists.

However, the witness has advised me that in 1975, this year, and back in 1970, there were two incidents which somehow or other led to her appearing in court with respect to some claim of alleged assault on her part.

Now she indicated that neither situation resulted in a formal arrest, nor was anything further done. In fact, from what I understand, if there were any charges, they were dismissed. We have not been able to find any specific record of any arrest or of any charge.

It may well be that such relate to the civil complaint rather than criminal complaint.

In an excess of caution, the Government is advising the Court of this, and again requesting that there be no inquiry permitted into it on cross-examination.

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THE COURT: I think here counsel can inquire at his peril. If there is no conviction and you have no evidence of any prior conviction, I would think that she certainly couldn't be impeached by evidence of conviction of a crime. What happened in 1975 I know not.

I would suggest if you want to inquire I am going to permit you to do it, but I say you will be in a position, unless you have information beyond what has been disclosed to me here, Mr. Platzman, that probably it wouldn't get you very far.

MR. PLATZMAN: I don't have anything other than what counsel has indicated.

I did intend to ask her if she was convicted of a crime. I was going to ask her on the question of establishing character or believability whether she has been arrested for any crime.

THE COURT: What about arrests? I think that that matter is something we should take up. Convicted of a crime, yes, absolutely.

"Have you ever been arrested?" I think at this stage in the case, "Have you ever been arrested?" would be an inappropriate question.

If you want to argue the point further, I will listen to you.

MR. PLATZMAN: We are dealing here with a situation where you have got two or three very critical witnesses that go to the heart of the Government's case. One is Monell, the other is York, and the third probably Mrs. Grant.

We've got what we consider to be two of them who are rather unsavory characters, Monell and York, and since particularly the testimony of both of them appears to be hearsay and the whole background and reputation doesn't seem to be the greatest, I think that the defendant should be given the greatest amount of leeway in trying to attack these witnesses for a determination by the jury as to whether or not they should be believed.

I think that it boils down simply to just that.

If she has a background which is bad, I think the jury ought to see a little bit of the picture of that person.

THE COURT: I am going to let you inquire on the subject, but I would suggest, in accordance with my prior ruling, you should stay within the last ten years. I don't think you have anything beyond that, do you?

MR. PLATZMAN: No, I don't. I didn't have anything All I was going to do is ask her.

THE COURT: I will let you ask that question.

MR. JOSSEN: Your Honor, finally, I would like the

record to reflect the following:

This morning in my office I received a phone call from Mrs. Grant. Mrs. Grant advised me that she was calling from her home in High Falls; that she had, according to her, previously spoken with your Honor, and claimed that she was medically unable to appear in court today to testify.

She further advised me that your Honor had directed her to report here today at 2:00 o'clock, and she continued to state that it would be difficult, if not impossible, for her to come down because of her current medical condition.

I also spoke with her husband, Mr. Grant, and I indicated to him Mrs. Grant was under subpoena and if, in fact, your Honor had instructed her to be here, it was her obligation to appear.

that she has claustrophobia, would have difficult coming up to the sixth floor to testify in the courtroom, wanted to know if the proceedings could be taken on the first floor. She said that she wanted to avoid being in an elevator, and I was further asked whether we would have a doctor here.

I reminded her of what I understood to be your Honor's direction that she be here at 2:00 o'clock.

9:05 a.m. this morning. The operator got on first and indicated the call was long distance. A male voice then got on and indicated that he was calling for Mrs. Grant and he then said he was putting Mrs. Grant on the telephone.

A woman got on the phone and indicated that she was Mrs. Grant and indicated to me that she would not be here today to testify because she had an appointment to visit a doctor. She didn't specify who the doctor was, but she was going to visit the doctor. She indicated that she was too ill to testify. I indicated to her that if she was going out to the doctor, it seemed to me we could provide her with appropriate transportation here, if she requested it I would order the Government to bring her here by ambulance with appropriate medical care. She said that she was too sich, and that she was going to the doctor.

I then instructed her to appear here in the courthouse at 2:00 p.m. She indicated at that point that even if she came down she was not able to ride in elevators, that she had some problem -- she didn't use the word "claustrophobia" to me.

said, if that's the case I will see she is carried up the staircase to the courtroom.

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Her response was that she would not attend.

I indicated that this was a most serious matter. I instructed her to be here at 2:00 o'clock this afternoon and at that point she hung up.

At 9:10, about a minute after the telephone conversation ended, I advised Mr. Schwartz what I have just advised all of you.

That's the way the matter stands at the moment as far as the Court is advised.

MR. PLATZMAN: So we really don't know whether she will be here or not.

THE COURT: I ordered her to be here. Whether or not she will come this afternoon at 2:00 o'clock I do notknow.

Needless to say, having received a call purportedly from the Newburgh area, it would be an empty gesture to require the witness to be here at 10:00 o'clock this morning, knowing that it takes approximately three to four hours to get here.

I instructed her to be here at 2:00 p.m.

MR. JOSSEN: So the record is complete on the phone calls, Mrs. Grant also advised me she had an appointment with the doctor. I believe she named Dr. Wolf and that she was going to try to keep that appointment

2 today.

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When the phone conversation concluded, Mr. Grant said, "We may be down today. We'll see."

THE COURT: Thank you.

Is there anything further?

MR. JOSSEN: No.

MR. PLATZMAN: Your Honor, at the risk of holding the jury a little further, give me a chance to go over this material I just got.

Would you explain to the jury we had some prelimirary matters?

THE COURT: All right.

Off the record.

(Discussion off the record)

(Continued on next page)

9"]"

(In open court - jury present)

THE COURT: Good morning, ladies and gentlemen. I hope you all had a pleasant weekend.

Ladies and gentlemen, you note we now have three alternate jurors. Our fourth alternate jurur had a personal matter and requested, and I after consulting with counsel agreed, to excuse him. So we proceed with our twelve regular jurors and our three alternate jurors.

You will recall that when we recessed on

Friday, we had come almost to the end I believe -- there
may be a few more questions of the direct examination of

Mr. Monell. Are going to interrupt his direct examination at this time and present another witness.

The government will call at this time Flo York
Hall, whose name you have heard before. You should not
concern yourself with the matter of why we are stopping
with one witness and bringing on another. This does
happen from time to time at trial and all I suggest is that
I expect Mr. Monell will be back for cross examination a
li' le later today.

We will begin now with a new witness, Flo York Hall.

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YORK

HALL,

called

as a witness by the Government, being first duly sworn, testified as follows:

THE COURT: Mrs. Hall?

THE WITNESS: Yes.

THE COURT: Mrs. Hall, would you please keep your voice up so all of the jurors and everyone else in the courtroom can hear you.

THE WITNESS: Yes.

MR. JOSSEN: May I proceed, your Honor.

THE COURT: You may, Mr. Jossen.

DIRECT EXAMINATION

BY MR. JOSSEN:

- Mrs. Hall, would you please tell us where you currently live.
 - In Newburgh, New York.
 - How long have you lived in Newburgh, New York? Q
 - About nine years. A
- Have you ever been known by a different last name than Hall?
 - Yes. A
 - What was that last name? Q
- York. A
 - Are you married now, Mrs. Hall? Q

1	gwjw	3	Hall - direct	348
2		A	Yes, sir.	
3		Q	Do you know a man by the name of Richard	Monell?
4		A	Yes, sir.	
5		Q	When did you last see Mr. Monell?	
6		A	A few weeks ago.	
7		Q	Where did you last see Mr. Monell?	
8		A	Where I work.	
9		Q	Where do you work?	
10		A	I drive a school bus in Newburgh.	
11		Q .	When you last saw Mr. Monell, did you dis	cuss
12	any a	aspect	of this case with him?	
13		A	No, sir.	
14		Q	Prior to that time when you met Mr. Monel	1,
15	when	was th	he last time you have seen him?	
16		A	The summer of '72.	
17		Q	How long had you known Mr. Monell at that	time?
18		A	About six years.	
19		Q	Would you tell us what your relationship	with
20	Mr.	Monell	was before 1972?	
21		A	I lived with him.	
22		Q	Did you live with him steadily for six ye	ars?

How long did you live with him during that

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six year period?

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A I lived with him on and off for a couple of months and off -- it was just off and on.

Q During the time that you knew Mr. Monell prior to 1972, did there come a time when Mr. Monell was arrested and charged with a crime of assault?

- A Yes, sir.
- Q Do you recall when that was?
- A Yes, sir.
- Q When was it?
- A In 1968.
- Q Do you remember what month?
- A Not exactly.
- Q Do you remember the particular incident which led to his arrest?

A He had beer arrested twice in the latter part of the year and then again in March of '70.

Q Let me direct your attention to 1968.

Do you recall an incident which took place which led to Mr. Monell's arrest for assault?

A 1.9.

Q Would you tell us about that incident which led to Mr. Monell's arrest.

A Yes. Mr. Monell and I went out for the evening. We had gone into a bar and there was some -- a

gentleman in the bar that Mr. Monell had a fight with a year before. He still held a grudge against him and he was arguing back and forth with me and he left. He told me to stay in the bar.

He came back in a few minutes, discussed a little more with me. He left again. He told me to stay there.

I stayed at the bar and he went outside.

After a short time I heard some ruckus and someone said someone had been shot outside.

I got up and walked out. I started across
the street and I seen Richard and another woman and another
man. As I went over to him or started to go over to him,
he told me to get in the car, which I did. Then he came
after me.

- Do you remember where this bar was located?
- A Y es. On Ann Street in Newburgh.
- Q What was the name of the bar, if you know?
- A The Sportsman.
- Q Do you remember what night of the week this took place?
 - A I believe it was a Saturday night.
- Q You told us that Mr. Monell came over to your car.

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What happened then?

- We got in the car. He drove.
- We went to my sister's.
- Where did your sister live?
- In New Windsor at the time.
- Did Mr. Monell say anything to you when he got in the car?
- Yes. He told me that he just shot a man. He thought he had killed him.
- What, if anything, did you do when you got to your sister's house?
 - He changed cars with my sister's boyfriend.
 - What, if anything, did you do after that?
- We got back into the car and we were going up A to his parents' house.
 - Where was that?
 - In High Falls.
- Do you know the name of Richard Monell's Q parents?
 - Yes, sir.
 - What are their names? Q
 - John and DeLevine Monell. A
- Did you go directly to High Falls after you Q left your sister's house?

1	gwjw 7	Hall - direct	352
2	A	No, we made one stop.	
3	Q.	Where did you stop?	
4	A	At a public phone booth.	
5	Q	What, if anything, happened at the public p	phone
6	boot?		
7	A	Richard asked me to call the hospital, which	ch
8	I did, to f	find out the condition of Mr. DeWeaver.	
9	Q	Who is Mr. DeWeaver?	
10	. А	The man that was shot.	
11	Q	What, if anything, did you do after you made	le
12	this phone	call?	
13	A	We went up to Mr. Monell's house.	
14	Q	Is that Richard Monell's house?	
15	A	No, his parents' house.	
16	Q	How long did you stay at John Monell's hous	se?
17	A	Just a couple of days.	
18	Q	Did you leave the trailer at all?	
19	A	Not for about three days.	
20	Q	Where did you go when you left the trailer	?
21	A	To Newburgh.	
22	· · · Q	Where in Newburgh did you go?	
23	A	To Mr. Finkelstein's office.	
24	Q	Who is Mr. Finkelstein?	

A lawyer.

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Did there come a time when Richard turned himself in to the police?

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Yes, sir.

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Mrs. Hall, let me show you what has previously

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When was that?

The day we went to Newburgh.

Mrs. Hall, did there come a time when you testified as a witness before the Orange County grand jury in connection with the incident which you have just described to us?

Yes, sir.

Do you recall when that took place?

I believe it was in the summer of that same year.

Mrs. Hall, let me direct your attention to April 1970.

Where were you living at that time?

I was living in Newburgh.

In April of 1970 were you living with Mr. Q

been marked as Government's Exhibits 1-F, 1-G, 10H and

Monell?

No.

1-I in evidence. Read these documents to yourself. (Pause)

If you are going to say anything, Mrs. Hall,

1	gwjw 9 Hall - direct 354
2	please speak up so everyone can hear you.
3	A Yes.
4	Q Just read the documents to yourself, Mrs. Hall,
5	and tell us whether they refresh your recollection as to
6	where you were living in April of 1970.
7	A Yes, sir.
8	Q Where were you living in April of 1970?
9	A I had gone to Florida.
10	MR. PLATZMAN: May I see them?
11	MR. JOSSEN: Sure.
12	THE COURT: May I hear the answer?
13	(Answer read)
14	Ω How long did you remain in Florida, Mrs. Hall?
15	A Until September.
16	Q Where did you go when you left Florida?
17	A I returned to High Falls.
18	Q Where in High Falls did you go when you
19	returned?
20	A To a trailer with Mr. Monell.
21	Q Following your return to High Falls when
22	was that, by the way?
23	A In September.
24	Q Following your return to High Falls, did there
25	come a time when Richard Monell went to jail?

1	gwjw 11	Hall - direct 356
2	Q	Can you give us an approximation?
3	A	No, sir.
4	Q	Did there come a time when Mr. Monell got out
5	of jail?	
6	A	Yes.
7	Q	Do you recall when that was?
8	A	It was just before the holidays.
9	ρ ο	Which holidays?
10	A	The Christmas holidays.
11	Q	Of what year?
12	A	Of 1970.
13	Q	Mrs. Hall, have you ever met Mr. Doulin?
14	A	Yes, sir.
15	Q	Do you see him in the courtroom today?
16	A -	Yes, sir.
17	Q	Would you point him out to us, please.
18	A	He's sitting at the table over there.
19		MR. JOSSEN: May the second reflect the
20	witness h	as correctly identified the defendant.
21		THE COURT: Which gentleman at the table?
22		THE WITNESS: The gentleman on my left.
23		THE COURT: The gentleman with the white hair?
24		THE WITNESS: Yes, sir.
25		THE COURT: Let the record reflect that the

1	gwjw 12 Hall - direct 357
2	witness has identified Mr. Doulin.
3	Q When did you meet Mr. Doulin?
4	A It was during the time that Mr. Monell was
5	in jail for the Family Court.
6	Q Where did you meet him?
7	A In the courtyard in Goshen.
8	Q Was he alone at the time?
9	A No, he was speaking to Mrs. Grant.
10	Q Who is Mrs. Grant?
11	A Richard's grandmother.
12	Q Would you tell us what you had been in Goshen
13	for that day?
14	A I went down to visit Richard in the jail. His
15	grandmother accompanied me, but she did not go in with
16	me.
17	She told me that she would meet me in the court,
18	either in the court or somewhere in that vicinity.
19	Q Did Mrs. Grant or Mr. Doulin say anything in
20	your presence?
21	A No.
22	Q Did you have any conversation with Mrs. Grant
23	or Mr. Doulin at that time?
24	A Mrs. Grant just introduced me o Mr. Doulin.
25	Q How did Mrs. Grant introduce you?

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A She told Mr. Doulin that I was Florence York,
Richard's girlfriend. Mr. Doulin said that -- he commented
that this was Richard's bad -- I'm sorry, that's wrong.

He commented that I was the girlfriend of the bad boy.

- Q During the time that Mr. Monell was in jail for the Family Court matters, did you have any conversations with anyone about Richard's situation?
 - A Yes.
 - Q With whom were those conversations?
 - A Mrs. Grant.
 - Q How many conversations did you have?
 - A Many. I couldn't tell you exactly.
 - Q When was that?
 - A This was during the time that Richard was in jail.
 - Q In jail for what?
 - A For Family Court, for support.
 - Q Where did that conversation take place?
 - A In Mrs. Grant's trailer.
 - Q Was anyone else present?
 - A Mr. Grant.
 - Q What, if anything, did Mrs Grant say to you and what, if anything, did you say to Mrs. Grant?

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MR. PLATZMAN: I object to this if it please the Court.

THE COURT: It is being offered subject to connection.

I would indicate to the jury as I did the other day when the similar conversation was introduced that if the government demonstrates by independent evidence that a conspiracy existed at this time, at the time of this conversation, and that Mr. Doulin was a member of the conspiracy, the acts and declarations in furtherance of the conspiracy, of other members of the conspiracy, or others engaged in a joint enterprise with the defendant are admissible against the defendant.

This is being received at this time subject to connection. If it is not connected up, it will be subject to a motion to strike.

MR. JOSSEN: Thank you, your Honor.

- Q Mrs. Hall, do you remember the question?
- A No, sir.

THE COURT: Mr. Reporter.

(Question read)

MR. PLATZMAN: Are we referring to a specific conversation at a specific time?

THE COURT: Yes. I understand it was about

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the time that Mr. Monell was getting out of jail or had gotten out of jail.

Is that correct, Mr. Jossen?

MR. JOSSEN: Yes, your Honor. I believe in response to a series of questions the witness has identified this conversation as during the period of time when Mr. Monell was in jail on the Family Court matter, shortly before he got out of jail.

THE COURT: Let's see if we can pin it down.

We are new going to hear about a conversation

which took place, you were present, Mrs. Grant was present

and, as I understand it, Mr. Grant was also present.

THE WITNESS: Yes.

THE COURT: About when in point of time did the conversation take place, to your best recollection?

THE WITNESS: Richard was in jail at the time.

THE COURT: On the non-support charges?

THE WITNESS: On the non-support charges.

THE COURT: Thank you.

Would you tell us in words or in substance what was said.

THE WITNESS: Yes, sir.

A Mrs. Grant commented that she was old and the holidays were coming up and she felt that -- she didn't

gwjw 16 Hall - direct

want Richard in ajil for the holidays because she was afraid she would never see him again and she was going to make a phone call to Bill to see if something could be done about getting him out.

Q Had you ever heard Mrs. Grant use the name Bill prior to that conversation?

A Yes, on occasion.

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Q had you ever heard the name Bill used in connection with another name by Mrs. Grant?

A Yes.

Q Do you recall any particular conversation when you heard Mrs. Grant use the name Bill with another name?

A The only other person I know that she would speak to Bill would be Mr. Grant himself.

MR. PLATZMAN: I will object to that and move to strike out the answer.

THE COURT: Mr. Grant was present, counsel.

Is that correct?

THE WITNESS: Yes, sir.

THE COURT: So she didn't say in front of her own husband, "Bill, I am going to talk to Bill"?

THE WITNESS: No.

MR. PLATZMAN: I renew my objection and exception.

THE COURT: It is for the jury to determine from all the evidence who Mrs. Grant was going to call.

Q Mrs. Hall, did there come a time when Mr. Monell was released from jail on the family court matter?

A Yes.

Q The day that Mr. Monell was released from jail, where were you?

A At work.

1	gwmch	Hall-direct 363
2	Q	Where were you working at that time?
3	A	Channelmaster in Ellenville.
4	Q	Where, if anyplace, did you go from work?
5	A	I went to Goshen.
6	Q	What, if anything, did you do in Goshen?
7	A	I picked up Richard at the jail.
8		MR. PLATZMAN: I didn't hear that.
9		THE COURT: "I picked up Richard at the jail."
10	Q	Where, if anyplace, did you go with Richard from
11	the jail	in Goshen?
12	A	I drove back to High Falls to his grandmother's.
13	Q	When you arrived at Mrs. Grant's trailer, did you
14	have a co	onversation with anyone?
15	A	Yes, sir.
16	Q	With whom was that conversation?
17	. A .	Mrs. Grant.
18	Q	Was anyone else present at that conversation?
19	A	Yes, sir.
20	Q	Who else was present?
21	A	Richard and Mr. Grant.
22	Q	What, if anything, did Mrs. Grant say to you, and
23	what, i	f anything, did you say to her?
24		When we walked into the trailer, Mrs. Grant
25	got up	and went over and kissed Richard, and she said to me,

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"See, I told you that I would get him out."

MR. PLATZMAN: I will object to this entire line of testimony, if your Horor please, on the same ground.

THE COURT: Same ruling. Same admonition to the jury as I made previously.

- Following the time that Richard Monell got out of family court jail, and prior to March of 1971, did you have any conversation with anyone in the Monell family about Richard Monell's assault case?
 - Yes, sir.
 - How many conversations did you have? Q
 - A Many.
 - With whom were those conversations?
 - Mr. and Mrs. Monell and Mr. and Mrs. Grant. A
 - Do you recall any of those conversations? Q
 - A Yes.
 - When was the conversation or conversations --MR. JOSSEN: Withdrawn.
- When did the conversation or conversations which you recall take place?
- The ones that I remember, when Richard had received the paper or summons, I don't know what you call it, telling him that he had to appear in court. This was just before his court appearance for his sentencing.

- Q Do you recall approximately when that was?
- A . It was in the very early part of March, I believe.
- Q How many conversations in particular do you recall taking place at that time?
 - A I -- member one very well.
 - Q Where did that conversation take place?
 - A In Mrs. Grant's.
 - Q Was anyone else present at the time?
 - A Yes.
 - Q Who else was present?
 - A Richard and Mr. Grant.
- Q Do you recall specifically what was said in that conversation?

A No.

MR. PLATZMAN: May it please the Court, so I don't have to repeat my objection to these questions and the answers, I am assuming perhaps as I did last week I will have a continuing objection to this entire line of hearsay testimony.

THE COURT: The characterization of the testimony may be mistaken, but you do have a continuing objection and the same ruling will apply, and that relates to what appear to be a series of conversations in which the witness participated involving various members of the Monell family,

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conversations which appear to be in the absence of your client and which I am admitting subject to connection.

If there are now going to be two or three conversations, you have a continuing objection. I make the same ruling as to your objections, and the jury is admonished to take these subject to connection, and if they are not connected, you make an appropriate motion and I will act accordingly.

MR. PLATZMAN: Thank you.

MR. JOSSEN: May I proceed, your Honor?

THE COURT: Yes, indeed.

I think we are at a point just before Mr. Monell's sentencing on the assault charges.

THE WITNESS: Yes, sir.

THE COURT: And you think that was sometime early in March 1971?

THE WITNESS: Yes, sir.

THE COURT: There was a conversation, and who was

THE WITNESS: Mr. and Mrs. Grant.

THE COURT: Anyone else?

THE WITNESS: I believe Richard was also.

THE COURT: And?

THE WITNESS: Myself.

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THE COURT: Anyone else?

THE WITNESS: No, I don't think so.

THE COURT: Now tell us where it took place.

THE WITNESS: In Mrs. Grant's trailer.

THE COURT: And what was said?

THE WITNESS: I can't give you exact words.

THE COURT: If you can't give us the exact words, would you give us the substance of what was said by the different people?

THE WITNESS: Yes, sir. We had been discussing Richard having to go to court -- we were discussing the time period. It seemed such a long time.

Then Mrs. Grant said that she didn't think, or she l d us to believe that Richard wouldn't have any time served.

MR. PLATZMAN: I will object.

THE COURT: You have to tell us in substance what she said. I can't permit your thinking.

Tell us the words or approximate words that she said. The general substance of what she said.

THE WITNESS: There was conversation about the time period and Richard and I were worried that he might have time -- he would have to serve some time, and Mrs. Grant said not to worry about it, that it would be all

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was booked.

the guard unless it is purely --

MR. PLATZMAN. I object to the conversation with

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THE COURT: Apparently it is just introductory to something.

In any event, you had a conversation with the quard?

THE WITNESS: Yes.

THE COURT: Following that conversation, what happened?

THE WITNESS: I knew I had time before I could go over and see him, so I went up to a phone in the courthouse and I called Mrs. Grant.

- Did you speak with Mrs. Grant at that time?
- Yes.
- What, if anything, did you say to her, and what, if anything, did she say to you?

I told her that Richard had been sentenced to 2-1/2 years and that as soon as I finished talking to her I was going over to the jail to see him, and she told me to tell him that she was going to try to get in touch with Mr. Monell, and to just be patient -- I am sorry.

She told me she was going to try to get in touch with Mr. Doulin and for Richard to be patient.

- Q After that phone conversation, what, if anything, did you do?
 - I went over to the jail.

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- Q What, if anything, did you do at the jail?
- A I visited with Richard.
- Q Did you actually see Richard that day?
- A Yes, sir.
- Q Did you have a conversation with Richard?
- A Yes, sir.
- Q What, if anything, did you may to him, and what, if anything, did he say to you?

MR. PLATZMAN: I will object to this, if it please the Court. There is not even a claim this is part of a conversation with a co-conspirator.

MR. JOSEEN: Your Honor, I believe it is part of the same theory.

THE COURT: Overruled. I will admit it on the same theory.

I have read the Government's memorandum on the subject, as you have, counsel, and they do allege that the conversation you are about to hear would have taken place between two persons who they set forth. I just direct your attention back to Page 2 of the Government's memorandum on this particular subject.

I take that as an offer of proof. I will permit it with the same admonition to the jury.

Q Do you remember the question, Mrs. Hall?

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THE COURT: I suggest we repeat it.

(Question read)

Q Referring to a convertation you said you had with .
Mr. Monell.

A Yes.

I told him that I had called his grandmother.

He asked if she had known what had happened because he -
I said that she to be to tell him that she was going to

try to get ahold of Mr. boulin as soon as possible.

That was abou. all.

THE COURT: What, if anything, did he say?

THE WITNESS: me didn't really say anything.

- Q What, if anything, did you do after you finished your visit with Richard in the jail?
 - A I went back to High Falls.
 - Q Where in High Falls did you go?
 - A To Mrs. Grant's.
- Q What, if anything, did you do when you arrived at Mrs. Grant's?

A I told her that I relayed her message, and she told me that she tried to get in touch with Mr. Doulin.

- Q Was anyone else present when this conversation took place?
 - A I'm not positive.

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- Q What, if anything, did you do after you spoke with Mrs. Grant that day?
 - A I went over to my own trailer.
 - Q Where was your own trailer?
 - A On the same property.
 - Q Was that your trailer?
 - A It was Mr. and Mrs. Monell's trailer.
- Q Mrs. Hall, did there come a time when you returned to Mrs. Grant's trailer?
 - A Yes, sir.
 - O When was that?
 - A Later that evening.
- Q Was anyone else present when you arrived at her trailer?
 - A Yes, sir.
 - Q Who else was present?
 - A Mrs. Grant and Mr. Grant.
- Q What, if anything, did you see or do when you arrived at the trailer?
- A Mrs. Grant was just hanging up the phone ten

 I went in. She said that she had tried again to get in

 touch with Mr. Doulin, but she couldn't. She spoke to his

 family, a relative of his.

SOUTHERN DISTRICT COURT REPORTERS. U.S. COURTHOUSE

Q Did Mrs. Grant tell you anything else at that time?

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A Yes, sir.

Q What?

A She said Mr. Doulin was on vacation and all they could do -- all his family could do was wait until Mr. Doulin had called in, he had no forwarding phone number where they could get in touch with him.

- Q Did you have occasion to visit Richard Monell in jail again after the day that he was sentenced?
 - A Yes, sir.
 - Q When did you visit him?
 - A The following visiting day.
 - Q Do you recall what day of the week ' hat was?
 - A Yes. It was Tuesday.
- Q Do you recall what day of the week Richard had been sentenced?
 - A The Friday before.
- Q Prior to your next visit to Richard Monell in jail, did you have any conversations with anyone about Richard's case, other than the ones you have told us about already?
 - A Yes, sir.
 - Q How many such conversations did you have?
 - A A number of them.
 - Q With whom were these conversations?

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- A With Mrs. Grant.
- With anyone else?
- A On occasion, Mr. and Mrs. Monell were there and also Mr. Grant.
- Q Do you recall any of these conversations in particular?
 - A Yes.
 - Q When did that conversation take place?
 - A Before I was going to visit Richard.
 - Q What day --

MR. JOSSEN: Withdrawn.

- Q How long before you were to visit Richard again did that conversation take place?
- A In the morning of the day that I was visiting Richard.
 - Q Where did that conversation take place?
 - A In Mrs. Grant's trailer.
 - Q Was anyone else present at the time?
 - A I'm not sure -- yes, Mr. Grant was.
- Q Now, what, if anything, did Mrs. Grant say to you and what, if anything, did you say to Mrs. Grant?

 THE COURT: May we have a time for this, as to

24 time?

MR. JOSSEN: She testified to some time.

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Q What, if anything, did Richard Monell say to you and what, if anything, did you say to him?

MR. PLATZMAN: Is this Tuesday we are talking about, or is it another visit?

THE COURT: Yes.

THE COURT: How long after the day he was sentenced did this conversation take place?

THE WITNESS: This was the following Tuesday.

Q Mrs. Hall, what, if anything, did Mrs. Grant say to you, and what, if anything, did you say to Mrs. Grant?

A She told me that - this visit Mrs. Grant was also going with me. She told me to give a message to Richard saying she had tried to get ahold of Mr. Doulin, he was away on vacation and the family would relay the message to him when he called home, which he did frequently.

And there was nothing that she could do about it until she could get ahold of Mr. Doulin himself.

- Q Thereafter did you visit Mr. Monell in jail?
- A Yes, sir.
- Did you see Mr. Monell that day?
- A Yes, sir.

Yes, sir.

Q Did you have a conversation with Richard Monell in jail?

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A He wanted to know what was happening, and I told him that his grandmother told me to tell him she had been making phone calls and was trying to get ahold of Mr.

Doulin, but there was nothing that could be done, he would just have to be patient until Mr. Doulin returned.

- Q Following this second visit to jail, did you have occasion to visit Mr. Monell in jail again?
 - A Yes, sir.
 - Q How many times did you visit Mr. Monell in jail?
 - A I believe it was about five or six times.
- Q On these various visits to jail to see Mr.
 Monell, did you go by yourself?
 - A Not always.
 - Q Were there times that you went by yourself?
 - A Yes, sir.
- Q I take it from what you have said that there were times when you went with someone else?
 - A Yes, sir.
- Q Do you recall who else was with you in jail to visit Mr. Monell?
 - A Yes.
 - Q Who else went with you?
- A One time Mr. Grant did and Mrs. Grant also accompanied me there, and I think -- I am not sure of it,

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Mrs.	Monell	went	one	time	with	me.

MR. PLATZMAN: I will object to that, if it please the Court. I move to strike out that portion of the answer

THE COURT: Which portion?

MR. PLATZMAN: When she says she doesn't know, she thinks so.

THE COURT: Let's get it cleared up.

I believe you have indicated that Mrs. Grant went with you?

THE WITNESS: Yes, she did.

THE COURT: On other occasions, did others go with you?

THE WITNESS: Yes, sir.

THE COURT: Would you tell us who else went to

visit Mr. Monell in jail besides Mr. Grant?

THE WITNESS: Mrs. Grant went.

THE COURT: Anyone else at any time?

THE WITNESS: I'm not sure, no.

THE COURT: You are not sure whether his parents

went?

THE WITNESS: I know his father didn't go.

Q Do you recall whether Mrs. Grant visited Richard in jail?

A She never did.

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- Q You said Mrs. Grant accompanied you.
- A Yes, sir.
 - Q What did you mean by that?
 - A I drove her car and she went with me, but she didn't go into the jail with me. I dropped her off at the courthouse.
 - Q Where was the courthouse?
 - A Right almost next-door to the court -- the jail and the court are almost next-door to each other.
 - Q On those various other visits to the jail, did you actually see Mr. Richard Monell?
 - A Yes.
 - Q Did you have any conversations with him on any of these occasions?
 - A Yes.
 - Q Do you recall any of those conversations in particular?
 - A Yes.
 - Q Do you recall on which visit these conversations occurred?
 - A Would you repeat that, sir?
 - Q Sure.
 - THE COURT: I don't understand the question.

 I would suggest you rephrase it.

MR. JOSSEN: Fine, your Honor, I will. Thank you.

SOUTHERN DISTRICT COURT REPORTERS. U.S. COURTHOUSE

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1	gwjw l Hall - direct
2	Q After the second visit to the jail that you
3	went to see Mr. Monell that you told us about, did you
4	see Mr. Monell in jail again?
5	A Yes, sir.
6	Q After the second visit to the jail, did you
7	have any further conversations with Mr. Monell when you
8	went to visit him?
9	A Yes, sir.
.0	Q Do you recall any of those conversations in
1	particular?

Yes, sir.

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How many times after the second visit to jail did you see Mr. Monell in jail?

About three times, four times after the second visit.

THE COURT: So you saw him a total of five or six times?

THE WITNESS: Yes, sir.

Do you recall any of the conversations which took place on any of those three or four other times when you went to visit Richard Monell in jail?

Yes, sir.

Do you recall when a particular conversation took place in relation to when you had a particular visit

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You mean with Richard?

Yes.

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I remember the next visit.

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Did you have a conversation with him on that

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visit?

A Yes.

What, if anything, did Richard say to you and Q what, if anything, did you say to Richard?

He asked me what was going on. He was very mad. He was very upset.

I told him the only thing I could tell him was what his grandmother had told me, that he would just have to be patient, there was nothing she could do.

Q Mrs. Hall, other than the various conversations which you have already told us about, did you have any other conversations with anyone about Richard Monell's case at this time?

Mrs. Grant.

Was that one conversation or more than one conversation?

1 a had a number of conversations. I remember one.

Do you recall when that conversation took place? C

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Yes.

When was that?

It was during the third week that Richard was in jail.

- Q Where did that conversation take place?
- In Mrs. Grant's.
- Was anyone else present at the time?
- I'm not sure, sir.
- recall what, if anything, Mrs. Grant said to you and what, if anything, you said to her?
 - Yes, sir.
 - Would you tell us that, please.
- She told me that she had just spoke to Mr. Doulin and he told her that he needed some money, some to give to someone else also.

She told me that -- asked me if I wanted to go to the bank with her and Mr. Grant.

I said yes.

- Did there come a time, Mrs. Hall, when you went someplace with Mr. and Mrs. Grant?
 - Yes, sir.
- Do you recall when that was in relation to the conversation you just told us about?
 - Yes, sir. I believe it was the following morning A

1	gwjw 4 Hall - direct
2	Q Where did you go?
3	A We went to the bank in Rosendale.
4	Q What was the name of the bank?
5	A Orange and Rockland.
6	Q Who went to the bank? Who drove?
7	A Mr. Grant.
8	Q Who, if anyone else, was present in the car at
9	the time?
10	A Mrs. Grant and myself.
11	Q What, if anything, did you see or do when you
12	arrived at the bank in Rosendale?
13	A Mr. Grant got out and went into the bank. When
14	he returned to the car he gave Mrs. Grant an envelope
15	which she put in her pocketbook.
16	Q What, if anything, did you do at that time?
17	A Mr. Grant drove to Newburgh.
18	Q Where in Newburgh did you drive?
19	A We went to Doulin-Zillig Puneral Parlor.
20	THE COURT: What was the name of it?
21	THE WITNESS: Doulin-Zillig.
22	THE COURT: A funeral parlor?
23	THE WITNESS: Yes.
24	THE COURT: Where is that, in Newburgh?
25	THE WITNESS: Yes, Fir.

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When you arrived at the funeral parlor, what, if anything, did you say or do?

Mr. Grant parked across the street.

MR. PLATZMAN: I assume my objection extends to this entire line of questioning?

THE COURT: Yes.

MR. PLATZMAN: Same ruling?

THE COURT: Same ruling, same admonition to the jury, all being received subject to connection.

MR. PLATZMAN: Thank you.

Mrs. Hall, when you arrived at the funeral parlor, what, if anything, did you see or do?

Mr. Grant parked across from the funeral parlor. Mrs. Grant got out and went into the funeral parlor.

A short time later she returned to the car.

When Mrs. Grant returned to the car, what if anything, did she do or say?

A She said she gave the money to Mr. Doulin. She said she didn't stay very long because he had business people there on business, and she commented about his tan and saidhe looked very good after his vacation.

Do you recall whether Mrs. Grant said anything else?

A Yes, sir.

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Q What, if anything, did she say?

5

A She said, well, that's all the money that

I have left. Richard better keep himself out of trouble

now or he'll stay in jail.

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MR. JOSSEN: May I have a moment, your Honor?

8

THE COURT: Yes.

9

(Pause)

10

MR. JOSSEN: Would you give these documents.

11

one number. I believe it's 13.

12

(Government Exhibit 13 marked for

13

identification)

14

Q Mrs. Hall, I am placing before you what has just

15 16 been marked as Government's Exhibit 13 for identification.

17

I will ask you to examine some of these pages and tell us if you see your signature anyplace on

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A Yes.

that document.

20

Q Would you tell us what appears above the line where your signature is?

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A Another name and a date.

22 23

Q What's the date?

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A March 5, 1971.

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Q Let me show you another page on the same document

gwjw 7

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and ask you to tell us if you see your signature on that page?

A Yes, sir.

Q Would you tell us what, if any, date appears next to it?

A March 19, 1971.

Q I will show you another page on the same document and ask you if you can tell us whether your signature appears on that page.

A Yes, sir.

Q Is there a date next to it?

A Yes, sir.

Q What is the date that appears next to it?

A March 12th.

Q I show you another page of the same document and ask if you can tall us whether your signature appears on that page?

A Yes, sir.

Q Is there a date near your signature on that page?

A Yes, sir.

Q What is the date?

A March 16th.

Q I show you another page on the same document

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and ask you if your signature appears on that page?

A Yes, sir.

Q What date appears next to your signature c. near it?

A March 19th.

Q I show you another page on the same document.
Does your name appear on that page?

A Yes, sir.

Q What date appears next to it?

A The 23rd. It has 1/23/71, but that's wrong. It was March.

Q Is there another date on the same page?

A Yes, sir.

Q What is the other date that appears

A March.

Q I show you another page on the same document.
Do you see your signature there?

A Yes, sir.

Q What date appears next to that?

A March 26th.

Q Mrs. Hall, do you recognize the document which

I have just shown you as Government Exhibit 13 for

identification?

A Yes, sir.

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gwjw 9 Hall - direct

Would you tell us what it is?

A It is a visitor's register for Orange County

Jail.

Q Do you recall signing your name on the dates as indicated?

A Yes, sir.

MR. JOSSEN: I offer it in evidence, your Honor.

(Pause)

MR. PLATZMAN: I have no objection.

THE COURT: Received.

(Government's Exhibit 13 for identification received in evidence)

MR. JOSSEN: No further questions, your Honor.

THE COURT: I think this would be a good opportunity to take our morning break unless you have an objection, Mr. Platzman.

MR. PLATZMAN: Not at all.

THE COURT: Ladies and gentlemen, we will take a ten minute mid-morning breakand then we will proceed and we will continue today until 12:30, at which time we will take our luncheon recess.

Please do not discuss the case among yourselves, keep an open mind on all facets of the case until it has

		. 200
1	gwjw 10	Hall - cross
2	been comple	ted and given to you following my charge.
3		The jury is excused. Ten minute recess.
4	The witness	may step down. You will be recalled at the
5	end of ten	minutes.
6		(Recess)
7		(In open court - jury present)
8		THE COURT: You may inquire, Mr. Platzman.
9	•	MR. PLATZMAN: Thank you.
lu .	CROSS EXAM	INATION
11	BY MR. PLA	rzman:
12	Q	Mrs. Hall, when were you married to Mr. Hall?
13	A	In 1972.
14	Q	How old are you?
15	A	Forty.
16	Q	When for the first time did you meet Mr. Monell?
	A	In 1966.
18		What were the circumstances under which you
19	met him?	
20	A	I was out with my sister and her boyfriend at
21	the time.	
22	Q	Where were you?
23	A	In a bar.

Al's Tavern on Washington Street.

What bar?

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1	gwjw 11	Hall - cross 389
2	Q	Is that the same place where the assault took
3	place?	
4	Ά	No, sir.
5	Q	What street was that on?
6	A	Washington Street.
7	Q	In what town?
8	A	Newburgh.
9	Q	When following that first meeting did you
10	first star	et to live with Mr. Monell?
11	A	About I'm not sure of the exact date. It
12	was about	September or October of that year.
13	Q	Did you see Mr. Monell in between those two
14	dates?	
15	A	Yes, sir.
16	Ω	Was Mr. Monell married at the time; do you
17	know?	
18	A	Yes, sir.
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It was an apartment in a two-family house.

What kind of a place is that?

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25

Q

1	2 GWmch	Hall-cross
2	Q	Was it his apartment or your apartment?
3	A	It was our apartment.
4	Q	Did either of you live in it before you both
5	lived the	re?
6	Λ	No, we both rented it.
7	Q	Tell us what happened when you broke up three
8	months la	ter.
9		MR. JOSSEN: Objection.
10	Q	When you separated from him three months later.
11		THE COURT: There came a time you stopped living
12	with him	after a few months?
13		THE WITNESS: Yes.
14		THE COURT: We would like to know what
15	happened.	
16		THE WITNESS: I went and lived with my sister.
17	Q	Did Mr. Monell still remain in the apartment?
18	A	For awhile he did.
19	Q	And how long did he remain in the apartment?
20	A	I don't know, sir.
21	Q	Did you speak with him or see him after your
22	separatio	n?
23	A	Not for about a couple of weeks I hadn't seen him.
24	Q	And during those few weeks you lived with your
25	sister?	

1	3 GWmch Hall-cross .
2	A Yes, sir.
3	Q And when for the first time did you again see
4	Mr. Monell?
5	A I don't really know.
6	Q Did there come a time when you resumed your
7	relationship with Mr. Monell?
8	A Yes, sir.
9	Q About when was that?
10	A Possibly a month or six weeks later.
11	Q And tell us the circumstances under which you
12	resumed the relationship.
13	A We moved into we got together and rented a
14	trailer. We lived in a trailer.
15	Q Mr. Monell was not at that time living in the
16	apartment, I gather?
17	A No, sir.
18	Q And can you tell us the circumstances under
19	which you and Mr. Monell communicated with each other and
20	resumed your relationship?
21	No. He came to visit me at my sister's.
22	Q How long did you stay with him this time?
23	A About five months.
24	Q Five months?
25	A I believe it was about five months.

.	393
1	4 GWmch Hall-cross
2	Q Do you know when there was another separation,
3	what date?
4	A No, I have no idea.
5	Q Can you tell us the circumstances under which tha
6	separation took place?
7	A No, sir.
8 .	Q Do you remember having a conversation with
9	Richard at that time?
10	A We had many conversations.
11	Q I am asking you whether you remember a conver-
12	sation at the time you broke up after living with him.
13	A I know I had an argument with him.
14	Q But you don't remember anything specific?
15	A Yes, I do.
16	Q Do you remember the one that was specific at the
17	time you broke up with him?
18	A Yes, sir.
19	Q What was that conversation?
20	A We were having an argument because he had been
21	seeing his wife.
22	Q And what was the discussion?
23	A And I told him that I was leaving, which I did.
24	Q Where did you go after that?
25	A To live with my sister.

			39
1	5 GWmch	Hall-cross	
2	Q	What is the name of your sister?	
3	A	Barbara.	
4	Q	What is her last name?	
5	A	Stang.	
6	Q	Where does she live?	
7	A	In Newburgh.	
8	Q	And her address, please?	
9	A	Right now I don't know it.	
10	Q	You don't know where she lives now?	
11	A	No. I know she lives in Newburgh. I'm not	
12	sure. I	know she moved. She was living in Ellenville.	
13	Q	When was the last time you talked with your	
14	sister?		
15	A	About two months.	
16	Q	Where was she living then?	
17	A	She was living in Windsor.	
18	Q	And what was her address in Windsor?	
19	. A	Merlene Street.	
20	Q	And you say she is living in Newburgh now?	
21	A	As far as I know, yes.	
22	Q	Where are you living now?	
23	A	I live in the Town of Newburgh.	
24	Q	Newburgh? Is that what you said?	
25	A	Yes, sir.	

1	7 GWmch Hall-cross
2	Λ Yes, sir.
3	Q About when in 1967?
4	A I believe it was towards the end of the year,
5	but I'm not sure.
6	Q And then what was the gap after that separation,
7	how long a period of time?
8	A About a month's time.
9	Q Tell us the circumstances under which you resumed
10	your relationship again with Mr. Monell.
11	A He came to visit me. Him and his mother came
12	to visit me.
13	Q Was that at your sister's house?
14	A Yes, sir.
15	Q And what took place?
16	A He asked me to go back with him.
17	Q And did you?
18	A During that week, yes.
19	Q And how long did you stay with him?
20	A I don't know, sir.
21	Q When was the next time, approximately, that you
22	recall you broke up with him?
23	A I don't know.
24	Q Can you tell me about how many times this took
25	place between 1967 and 1971?

1	6 GWmch	Hall-cross
2	Q D	id your sister move to any other place
3	A I	don't know, sir.
4	·Q -	- before going into Newburgh?
5	N	R. JOSSEN: Objection, your Honor. I don't see
6	the relevan	nce of this.
7	,	THE COURT: If you know, tell him.
8	A 1	would you repeat the question, please?
9		(Question read)
10	A	She lived in Ellenville. She lived in Newburgh,
11	moved to E	llenville, and then came back to Newburgh again.
12	1	Do you know where she lived in Ellenville?
13	A	Yes, I do.
14	Q	What was the address?
15	A	The number was 5. The name of the street escapes
16	me right n	now.
17	Q	That was about two months ago; is that right?
18	A	About two months ago? No, sir. This was a couple
19	of years	ago.
20	Q	I am asking you where is your sister living now?
21	A	Now, I don't know.
22		THE COURT: You asked that question and she said
23	she didn'	t know.
24	Q	The second separation that we are talking about
25	took place	e approximately when? In 1967, is that right?

1	8 GWmch	Hall-cross 397
2	A	Many times.
3	Q	I beg your pardon?
4	Ä	Many times.
5	Q	Do you remember a break-up in 1970?
6	A	We always were apart or together. It was
7	continous	
8	Q	Do you remember anything specific in 1970 about
9	a break-	·up?
10	A	Yes.
11	Q	When was that?
12	A	When I went to Florida.
13	Q	About when did you go to Florida?
14	A	In April 1970.
15	Q	And how long did you stay in Florida?
16	A	Until September.
17	Q	Do you remember a break-up earlier that year in
18	1970?	
19	A	I wasn't with Richard when I went to Florida.
20	Q	How long had you not been living with him before
21	you went	to Florida?
22	Λ	Not since the end of the year before.
23	Q	Do you recall just prior to that
24		MR. PLATZMAN: I withiraw the question.
25	Q	In 1969, how many break-ups were there, do you

know?

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A No, sir.

Q Do you recall the circumstances under which you broke up with Richard during the end of 1969 prior to your leaving for Florida in early 1970?

- A Yes, I remember.
- Q And what were the circumstances at that time?
- A I was working supportinghim, and I felt that he should support me, and we argued about it and I left.
- Q Can you tell us the circumstances of your separation at the time before that incident that we are talking about now?
 - A Except --
 - Q In '69.
 - A No, sir.
 - Q You don't recall?
 - A Only the times that he was in jail.
 - Q We are talking about the time he was not in jail.
 - A No, sir, not exactly.
 - Q You don't recall.
 - You were living with him --
 - MR. PLATZMAN: I withdraw the question.
- Q Were you living with him in 1968 when the assault took place?

1	10 GWmch	Hall-cross
2	A N	lo.
3	. Ω Υ	ou had been to the bar with him that evening
4	where the a	ssault did take place; is that right?
5	A 1	es, sir.
6	Q I	But you were not living together?
7	A I	lo.
8	Q	Where were you living at the time?
9	Α :	was living with my sister.
10	Q	And where was he living?
11	Α :	I don't know.
12	Q	What time of that evening of this assault what
13	was the da	te of that?
14	A	April 20th.
15	. Q	And when for the first time during that evening
16	did you me	et with him?
17	A	I had seen him early in the evening.
18	Q	Where had you been?
19	A	In a bar.
20		(Continued on next page)
21		
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1	gwjw 1	Hall - cross
2	Q	What bar?
3	A	Spring Street.
4	Q	Had you met him there by appointment or was it
5	by accider	nt?
6	A	I was working there.
7	Q	He came into the bar?
8	. A	Yes, sir.
9	Q	Did you have a discussion with him?
10	А	Yes, sir.
11	Q	Can you tell us what that was?
12	A	He asked me if I wanted to go out and have a
13	for _cink	s with him. It was my birthday and he wanted to
14	take me o	ut for it.
15	Q	What time did you see him after that? I
16	withdraw	the question.
17		Did he continue to remain in the bar or did
18	he leave	the bar?
19	A	No, he went out. He was back and forth a few
20	times. H	e came back. We left about 11:30 that evening.
21	Q	Was he alone or with somebody?
22	A	No, we were alone.
23	Q	He came back about what time?
24	A	About 11:30.
25		THE COURT: She said he was in and out a few

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1	gwjw 2	Hall - cross 401
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2	times.	
3		MR. PLATZMAN: Yes.
4	Q	He eventually came back about 11:30?
5	A	Yes, sir.
6	Q	Tell us what happened then.
7	A	He asked me if I was finished work and if I
8	would go	out and have a few drinks with him, and I said
9	yes.	
10	Q	Where did you go?
11	A	We went to The Sportsman.
12	Q	How long did you stay at The Sportsman?
13	A	Not very long.
14	Q	What did you do at The Sportsman?
15	A	We ordered a drink and then he left, told me
16	to wait a	nd he would come back.
17	Q	Did you remain at The Sportsman Cafe?
18	A	Yes, I did.
19	·Q	How long did you stay there waiting for him
20	to return	?
21	A	He was only gone maybe ten minutes.
22	Q	He did come back?
	11	

Yes, sir.

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What else did you do?

I tried to calm him down because he was very

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up set.

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How many drinks had he had?

A I have no idea. He had been drinking earlier in the evening.

- Q How many drinks did you have at The Sportsman?
- A Two that I remember.
- Q Then after you left The Sportsman Cafe, can you tell us where you went?

A Yes. I went into the car and Richard came with me.

- Q Whose car was it?
- A It was my car.
- Q Did Richard have a car there at the time?
- A No.
- Q Did Richard accompany you to your car?

A He told me to go to the car and he followed me and we both got into the car to go -- I got in the car and he got in after I did.

- Q Did you sit at the driver's seat?
- A No.
- Q Then where did you go?
- A To my sister's.
- Q Both of you?
- A Yes.

1 gwjw 4 Hall - cross 2 Would you tell us what happened? 3 We went there and he asked my brother-in-law 4 if we could change cars. 5 My brother-in-law said yes. 6 Let's backtrack just a bit, Mrs. Hall. 0 7 You were at The Sportsman Cafe for how long? 8 I believe it was no less than an hour, possibly 9 an hour. 10 Q What happened there? 11 Richard had left me the second time telling me 12 to sit down. He had followed Mr. DeWeaver and two other 13 people outside. 14 Q I'm sorry, I didn't hear that. 15 A He told me to stay at the bar and wait for 16 him to come back. He followed Mr. DeWeaver and two other 17 people out of the bar. 18 I stayed there and waited for him until I heard 19 a commotion and I went outside. 20 When you say he followed Mr. DeWeaver, did 21 Mr. DeWeaver come into the bar? 22 A Mr. DeWeaver was already in the bar when we 23 went there. 24 Where was he in the bar?

He was towards the back playing pool.

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1	gwjw 5	Hall - cross	
2	Q	Was that in the same room you were in?	
3	A .	It's a little anteroom.	
4	Q	When you came into the bar, did you see him?	
5	Α	Mr. DeWeaver?	
6	Q	Yes.	
7	A	No, sir.	
8	Q	Do you know whether Mr. Monell saw him?	
9	Α.	Yes.	
10	Q	What did he say to you when he saw him?	
11	A	He was very mad because of the fight that they	
12	had the yea	r before. He had wanted to get back at him.	
13	Q	Was this just as you walked into the bar or was	
14	it shortly	afterward?	
15	A	Very shortly, as soon as we walked into the	
16	bar he had	spotted him.	
17	Ω	What did you see Mr. Monell do after that	
18	conversation	on?	
19	A	He just stood there talking to me. He had ordered	ı
20	a drink. I	He was talking to some other gentleman and then	
21	he told me	to stay there when he first left.	
22	Q	Where did he go?	
23	A	I don't know.	
24	Q	Did you see him walk through the bar?	
25	A	He walked out of the bar.	

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	gjw 6	Hall - cross 405
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2	Q	Where was Mr. DeWeaver at that time?
3	A	Still in the back playing pool.
4	Q	And then did Mr. Monell come back to you
5	again befo	re anything happened?
6	A	Yes, sir.
7	Q	How long was that gap?
8	A	That he was gone?
9	Q	Yes, that he was gone.
10	A	Only about ten minutes.
11	. Q	Did he have another drink with you?
12	A	Yes.
13	Q	Do you remember?
14	A	Yes.
15	Q	Did you
16	A	He ordered a drink. I don't know whether he
17	drank it	or not.
18	Q	Had you finished your bring before he returned?
19	A	Yes.
20	Q	Did you order another drink with him?
21	A	No, no.
22	Q	How long did he stay with you before he left
23	again?	

About ten or fifteen minutes. That's all.

Then what happened?

Q

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A He told me to stay there and he -- he told me to stay there, that he would be right back.

Q Then what took place?

A I heard a commotion and someone said somebody has been shot outside.

Q When you say you heard a commotion, where did you hear this commotion?

A Towards the front of the bar. I was sitting towards the rear of the bar. The commotion was towards the front door. The bar was very crowded.

Q After you heard the commotion, what took place?

A Some people went outside. I got up and went outside. I walked over across the street when I had spotted Richie.

Q Where was Richie?

A On the other side of the street in the parking lot.

Q Then what happened?

A He seen me and told me to get into the car.

Q You did that?

A Yes.

Q And Richard got into the car after you?

A Yes. He came in after I did.

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1	gwjw 8	Fa'l - cross
2	Q	Then you said you went to your sister's.
3	A	Yes, sir.
4	Q	What happened at your sister's?
5	A	We changed cars.
6	Q	Did you speak to your sister or your brother-
7	in-law?	
8	A	Yes.
9	Q	Or both?
10	A	Richard spoke to them.
11	Q	To whom?
12	A	To both my sister and brother-in-law.
13	Q	Can you tell us what the conversation was?
14	A	Richard
15	Q	What each said.
16	A	Richard told my brother-in-law that he had to
17	switch	cars, he didn't want anybody to be able to follow
18	us. He	had told my borther-in-law what had happened.
19	Q	What did he tell him?
20	A	He told him that he had just shot George DeWeaver.
21	Q	And he told you that before?
22	/A	Yes, sir.
23	Q	Tell us what he said to you when he told you
24	about t	hat?
25	A	He told me he had just shot George DeWeaver and

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thought that he had killed him.

4 request?

A All right.

Q What happened after that?

A We left in my brother-in-law's car.

Q Did your brother-in-law give him the keys to the car or did somebody else do that?

What did your brother-in-law say to this

A My brother-in-law did.

Q Where was your car at the time?

A Parked in front of their house.

Q Is that where you left it?

A Yes, sir.

Q What happened to the keys of that car? Did you take them or did you give them to somebody?

A No, we brought them in with us.

Q Then you got into your brother-in-law's car with Richard?

A Yes, sir.

Q Who was driving?

A Richard.

Q Where did you go?

A We started to go to High Falls.

Q Did you go to High Falls?

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24

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A Yes.

Q When did you get there?

A It was out -- somewhere around 2:00 o'clock in the morning.

Q Then what did you do?

A Got his parents out of bed and told them what had happened.

Q And then?

A We all went to bed for the night.

Q Did you join Richard in his trailer?

A His trailer wasn't there at the time.

Q Where did you go?

A I stayed on the couch in Mr. and Mrs. Monell's living room.

Q Did there come a time when a probation officer spoke to you about this incident?

A A probation officer?

Q Yes.

A I don't know who you mean by that, sir.

Q Somebody from the court ask you how this thing happened, when this was being investigated by the probation department.

A Yes, sir.

Q You remember that, don't you?

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A Yes, sir.

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Q Did Richard tell you what his story was going to be about how this incident happened?

A Yes, sir.

Q What did he tell you that he was going to tell everybody?

A He told me that -- he told me what to say.

Q What did he tell you to say?

A He told me to say that it didn't happen like that, that he was in the bar with me and another fellow at the time.

Q Did he tell you that that is what he was going to claim, too?

A He told me that is what I should say. He didn't tell me what he was going to say.

Q Did he indicate in telling that to you that he intended to say the same thing?

A I probably presume that's what he was going to say.

Q Wasn't that the nature of the discussion that you were having with Richard and yourself concerning this event and what you would have to be telling people?

A We discussed it on the way to the courthouse.

Q So at some point Richard told you what to tell

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any of the authorities should you be questioned?

A Yes, sir.

Q Can you tell us now what Richard had told you to tell them?

A Yes. He told me to tell them that he was in the bar with me, that we were standing by the window with another -- with another man talking.

Q Anything else?

A That he was with me the whole time that the incident had occurred outside.

Q Did he tell you to say anything else?

A Not that I can remember right now.

Q Did you have occasion to discuss this story with Richard on more than one occasion?

A Yes.

Q When was the next time that this story that both of you were going to give to the authorities was discussed?

A It had happened the day before and the day of the questioning.

Q Did there come a time when you were questioned by the authorities concerning how this happened?

A Yes, sir.

Q Your answer was yes?

		412
1	gwjw 13	Wall - cross
2	A	Yes.
3	Q	When did that take place?
4	. A	When I had appeared before the grand jury.
5	Q	What did you testify to?
6	A	The questions that they asked me.
7	Q	Did you tell them the story that Richard had
8	asked you	to tell?
9	A	About that, approximately the way he told me.
10	Q	And you were under oath at that time?
11	A	Yes, sir.
12	Q	Did there come a time when you had occasion to
13	speak to s	omeone else of the authorities about how this
14	occurred?	
15	A	Yes, sir.
16	Q	When was that?
17	A	I spoke to another party.
18	Q	Somebody from one of the courts?
19	A	Yes, sir.
20	Q	And he was investigating what had transpired?
21	A	Yes, sir.
22	Q	Did you tell him the same story that you had
23	told the g	rand jury ?
24	A	The story varied a little bit, but it wasn't

the truth.

	7.10
1	gwjw 14 Hall - cross
2	Q It was substantially the same thing, wasn't it?
3	A No, it was not.
4	Q How did you vary the story?
5	A The first time I was questioned I told them
6	that Richard was with me and the second time I was ques-
7	tioned I told them that Richard had hit the man, but did
8	not have a gun and didn't shoot him.
9	Q So the second time when you were questioned as
10	to this occurrence, the variation consisted of your saying
11	that Richard didn't shoot him, but that he merely
12	hit him?
13	A Yes, sir.
14	Q In each instance you supported Richard's story
15	that he did not shoot the man?
16	A I don't know if he did.
17	Q Did Richard tell you that he did?
18	A Yes.
19	Q Did he tell your brother-in-law and your sister
20	that he did?
21	A I believe so.
22	Q Did you believe at that time after you heard
23	this commotion when you left the bar that Richard did
24	shoot the man?

Yes, I believed him.

Hall - cross

Q So that when you told the authorities that Richard did not shoot the man, you knew you were not tellir, the truth, didn't you?

Yes, sir.

- You were doing that in order to help Richard?
- Some.
- Q Had you had occasion to speak to any of the authorities concerning this incident following that? I withdraw the question.

Just to refresh your memory, we talked about two incidents, one when you were testifying under oath before the grand jury and the other time when you were giving information to the authorities investigating this.

Yes.

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With respect to that second incident, can you tell us about when that investigation took place?

MR. JOSSEN: Objection, your Honor. I think we should have the identification of the authorities --

THE COURT: Are you objecting to the form? I will sustein the objection to the form.

MR. PLATZMAN: I'm trying to pick a time, your Honor.

THE COURT: Why don't you just define authorities, police, district attorney.

From Mr. Ingrassia.

1	gwjw 17	Hall - cress
2	Q	Did he te-1 you who he was?
3	A	Yes, sir.
4	· Q	Who was he?
5	A	The District Attorney.
6	Q	Of Orange County?
7	A	Yes, sir.
8	Q	Tell us what that conversation was.
9	A	He told me that they had expected the case to
10	be coming	into court in within a month or so and would
11	I come bac	k to New York to testify, and I said yes.
12	. Ω	Was there any other conversation?
13	A	No.
14	Q	When did you come back to New York?
15	A	I came back in September.
16	Q	When you came back to New York, did you see
17	Richard?	
18	A	Yes, sir.
19	Q	How long after you returned?
20	A	It was the day I came back.
21	Q	Did you fly in or drive in?
22	A	Yes, I flew.
23	Q	Did Richard meet you at the airport?
24	A	No, I rented a cam.
25	Q	Had you been working i Florida?

gwjw 18 Hall - cross Yes, sir. A Where were you working? I had two jobs. I worked for a car rental agency and I was a tour guide. You were what? Q A tour guide. A THE COURT: A tour guide. When you saw Richard following your return to the New York area, did you discuss what happened in 1968? No, sir. A

And you separated again after those few months?

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2 GWmch

Hall-cross

A Sometime in '71 I did, yes.

THE COURT: As I recall it, he went to jail at the end of 1970.

THE WITNESS: Yes, sir.

THE COURT: Did you live with him from your return from Florida until he went to jail at that time?

THE WITNESS: Yes, sir.

THE COURT: Then, when he came out, as I understand it, he was out of jail for some time until he went back in on March 5th, I believe?

THE WITNESS: You lived with him during that period of time?

THE WITNESS: I believe I stayed with him, yes.

- Q When did he go to jail, if you recall, in the family court prior to his release in December of '70? How long had he been in jail?
 - A How long had he been in jail for family court?
 - Q Yes, family court.
 - A It wasn't too long. It was only a matter of days.
- Q And so he was in just a few days in family court and let out just before Christmas time; is that right?
 - A Yes, sir.
 - Q When prior to that had you separated from him?
 - A Before that?

1	3 GWmch	Hall-cross
2	Q	Yes.
3	. A .	When I had returned all the time I was in
4	Florida.	
5	Q	Then you returned from Florida in September?
6	A	Right.
7	Q	So I gather you stated you lived with him for
8	some perio	od of time but you don't recall exactly how long?
9	A	It was after New Year's.
10	Q	After what?
11	A	It was well after the New Year and into the next
12	year.	
13	Q	I see.
14		Can you recall when you broke up with him?
15	A	No, not exactly.
16	Q	You were living with him during the period that
17	he was in	jail on family court?
18	A	Yes, sir.
19	Q	He was gone for a few days, and when he was
20	gone for	those few days you waited for him, and then you
21	resumed y	your relationship when he got out of jail; is that
22	it?	
23	A	Yes, sir.
24	Q	Now, as I gather, you testified on direct
25	examinati	ion that you had a number of conversations with

1	4 GWmch Hall-cross
2	Mrs. Grant concerning Richard's case, on this case?
3	A Yes.
4	Q Can you tell us, to the best of your recollection
5	what was the first time you had a conversation with Mrs.
6	Grant concerning this?
7	A I couldn't tell you an ckact time on it. I can't
8	tell you exactly.
9	The first conversations that we ever had is when
10	it first occurred, was the day after it first occurred,
11	the first conversation.
12	Q I am talking about the period after you returned
13	from Florida, which would be, I gather, sometime in the
14	new year of 1971.
15	A Yes, sir.
16	Q You told us you hadn't discussed this with
17	Richard at that time, is that true?
18	MR. JOSSEN: Objection, your Honor.
19	THE COURT: Sustained as to form.
20	Q Is it true?
21	MR. PLATZMAN: I withdraw the question.
22	Q You had told us you had not discussed it with
23	Richard during this interval?
24	MR JOSSEN: Objection, your Honor.

MR. PLATZMAN: I withdraw the question.

1	422	
1	5 GWmch Hall-cross	
2	Q Let's get back to the conversation with Mrs.	
3	Grant.	
4	When, to the best of your recollection, during	
5	the early part of 1971, did you have a discussion with	
6	Mrs. Grant concerning the impending case?	
7	A It was when Richard had received his notice	
8	that he had to go to court for his sentencing.	
9	Q That was around just prior to March 5th; is	
10	that right?	-
11	A Yes, it was before that.	
12	Q That was the first conversation you had concerning	
13	it?	
14.	A That I can recall, yes.	-
15	Q And where did that take place?	
16	A In Mrs. Grant's home.	
17	Q And who was present?	-
18	A Richard, myself and Mr. Grant.	
19	Q Tell us what the discussion was.	
20	A We had discussed what was going to happen and	
21	whether he would get any jail time from it.	
22	Mrs. Monell didn't think that he was going to	
23	get any time from it I'm sorry, Mrs. Grant. Mrs. Monell	
24	wasn't there at the time.	
25	Q What else did Mrs. Grant say, to your recollection:	?

1	6 GWmch Hall-cross
2	A I can't remember all of the things that were said.
3	Q But you do remember that?
4	A Yes, sir. There were many things said, but
5	I can't remember it all.
6	What did you say, do you recall, during that
7	conversation?
8	A No, sir, nothing.
9	Q Is it you don't recall, or you didn't say
10	anything?
11	A I listened.
12	Q When prior to that time had you last seen Mrs.
13	Grant?
14	A I had seen Mrs. Grant regularly, every day.
15	Q We are now talking about a specific conversation
16	just prior to March 5th when Richard had to go to jail
17	had to go to court for sentencing.
18	How long prior to March 5th was it that you had
19	seen Mrs. Grant?
20	A I had seen Mrs. Grant every day.
21	Q Did you see her on March 4th?
22	A As far as I know, yes.
23	Q How about February 26th?
24	A That I don't know, sir.
25	o Did you have a discussion with Mrs. Grant on

I	424
1	7 GWmch Hall-cross
2	February 26th?
3	A It's possible.
4	Q What did you talk about?
5	A I have no idea.
6	Q How about any time during the week prior to
7	March 1st, do you remember seeing Mrs. Grant?
8	A Yes.
9	Q You saw her many times?
10	A Yes.
11	Q Do you remember any conversation you had with
12	her during that week?
13	A Yes, sir.
14	Q Tell us about it.
15	A I spoke to Mrs. Grant every day. I drove her to
16	the stores many times. I did her shopping. I helped
17	her with her book work.
18	Q With what?
19	A With her book work.
20	Q What did Richard say at the time of this conver-
21	sation we have been referring to, just prior to his going
22	back to court for sentencing?
23	A As far as I can remember, he didn't say very much
24	of anything.
05	a was there over any discussion at that time about

	425
1	8 GWmch Hall-cross
2	Richard's change of plea?
3	A I don't remember when the conversation was about
4	his change of plea. I don't remember hearing it discussed
5	in the house.
6	Q And that period of time you were living with
7	Richard, right?
8	A Yes, sir.
9	Q Were you working?
10	A Yes, sir.
11	Q Was Richard working?
12	A I'm not sure if he was then.
13	Q When was the next time
14	MR. PLATZMAN: I withdraw the question.
15	Q Following that conversation Richard appeared
16	in court, did he not, on March 5th?
17	A Yes, sir.
18	Q Was there any conversation that took place with
19	Mrs. Grant in between the one that you just described and
20	the appearance in court?
21	A The day that he was sentenced?
22	Ω Yes.
23	A Yes, I spoke to Mrs. Grant.
24	Q When was that?
25	A The morning that Richard was sentenced, and later

1	9 GWmch	Hall-cross 426
2	that even	ing.
3	. Q	Where did that conversation take place?
4	A	One was on the telephone and the second was in
5	her house	
6	Q	Was this before or after the sentencing?
7	A	It was after the sentencing.
8	Q	Was there one before the sentencing on that day?
9	A	I don't remember in the morning.
10	Ω	And were you in court at the time?
11	A	Yes, sir.
12	Q	About what time of the day was that?
13	A	It was in the morning.
14	Q.	And what court was this?
15	A	In the Goshen courthouse.
16	Q	Where was that?
17	A	In Goshen, New York. Idon't know the courtroom
18	number.	
19	Q	Do you know what floor it was on?
20	7.	On the first floor.
21	Q	And was there anyone else in the courtroom who
22	was known	
23		MR. PLATZMAN: I withdraw that.
24	Q	Anyone in the courtroom other than yourself who
25	was relate	ed to Richard or was a close friend that you knew

.	427
1	10 GWmch Hall-cross
2	of Richard's?
3	A Not that I remember, sir.
4	Q And can you tell us what happened that morning
5	in court prior to Richard's sentencing being called?
6	A Before his sentencing?
7	Q Yes.
8	A No, sir.
9	Q Do you recall anything unusual taking place in
10	the courtroom, as far as you know?
11	A If you are valking about Mr. Monell's case,
12	I remember Mr. Isseks hollering at Richard.
13	Q Richard what?
14	A He was hollering at Richard.
15	Q This was before the sentencing?
16	A Yes.
17	Q Did the Court go through a call of various cases
18	by name, do you recall?
19	A I don't remember, sir.
20	Q Were you sitting in the courtroom?
21	A I was in the back of the room.
22	Q And you heard the clerk or the judge call out
23	the name of the defendant, any defendant, and then another
24	defendant, and various things took place; is that correct?

Sir, I went into the courtroom when Richard's

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Hall-cross

Q Was that before it was called or after it was

called?

A When they called his case, we went -- I went into the courtroom.

Q Who told you when his case was going to be called?

A There was a gentleman standing at the door, a guard or a doorman in a uniform. I was standing by the front of the door and he knew who I was, I had been there, or at least he knew what I was there for, and he motioned to me to go in, that Richard's case had been called.

Q When you walked into the courtroom, where was Richard?

A I believe he walked in just in front of me.

Q Was Richard outside in the anteroom with you before you went into the courtroom?

A I think so, sir.

Q So the two of you walked in together?

A I can't swear to it. I'm not positive.

Q And then where did Richard go after he entered the courtroom, and where did you go?

A I sat in the rear of the court.

Q And what did Richard do?

1	13 GWmch	Hall-cross
2	Q	And then you stayed in the rear of the courtroom?
3	A	Yes, sir.
4	. Q	Where the spectators are; is that right?
5	A	Yes.
6	, a	The door is towards the room on the side.
7	Q	Ad you came in you would be in the rear of the
8		
9		, not in the center, as this one is?
10	A	No.
	Q	And you sat down in the rear?
11	A	Yes.
12	Q	There were other people there, too, weren't there?
13	A	Yes.
14	Q	And Richard continued to walk, leaving you back
15	there?	
16	A	No, no. He sat down with me, but he only sat
17	for a mir	nute because they called his name to appear before
18	the judge	
19	Q	All right.
20		And then he walked up front?
21	A	Yes, sir.
22	Q	And he stood up while the judge was addressing
23	him; is	that correct?
24	A	Yes, sir.
25	Q	Do you recall whether anybody else was standing

Richard. He was talking him away. He was taking him to

the back, I believe. He was taking him out the back door,

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	432
1	15 GWmch Hall-cross
2	and I went out the front door.
3	Q He took him out the back door?
4	A Yes, there are some doors on the side of the
5	chambers, on the side of the judge's bench, and they were
6	going that way.
7	Q Did Richard speak to anyone in between your hearing
8	the sentence of 2-1/2 year; and the time he left through
9	this additional door?
10	A I don't remember, sir.
11	Q Did you speak to him at all?
12	A I don't remember whether I did or not.
13	Q Then what did you do?
14	A I went over I asked one of the gentlemen if
15	I could see him, and they said yes, as soon as he was signed
16	in at the jail.
17	Q And did you see him?
18	A Yes.
19	Q Where was it that you saw him?
20	A I saw him in the visiting room in the jailhouse.
21	Q And you had a talk with him at that time?
22	A Yes, sir.
23	Q What did you say and what did he say?
24	A I told him that I had called his grandmother.
25	Q That you had called or would call?

- 11	433
1	16 GWmch Hall-cross
2	A I had called.
3	Q And what did he say?
4	A He wanted to know what had happened. He said
5	he had gotten sentenced and he told me I told him his
6	grandmother said that she didn't know, that she would have
7	to get ahold of Mr. Doulin and find out.
8	Q Now, then what did you do?
9	A I left when visiting hours were over and returne
10	to High Falls.
11	Q When you got back to High Falls, did you see
12	anyone?
13	A Yes, I seen Mrs. Grant.
14	Q Where was she at the time?
15	A In her home.
16	Q Incidentally, what car were you driving at that
17	time?
18	A Mrs. Grant's.
19	Q Was it owned by Mrs. Grant?
20	A Mr. Grant.
21	Q Can you tell us what discussion, if any, you had
22	with Mrs. Grant when you returned to High Falls that day?
23	A Yes. She said that she tried to get ahold of
24	Mr. Doulin in his office. They told her that he was away

on vacation.

1	17 GWmch Hall-cross
2	Q Did she tell you who she spoke to?
3	A No. She said it was at the funeral parlor.
4	She didn't give me the name of anyone.
5	Did she tell you it was the funeral parlor?
6	A Yes, at his office in the funeral parlor.
7	Q Was that the first time she had mentioned the
8	funeral parlor to you?
9	A No. Mrs. Grant spoke of it.
10	Q Where is the funeral parlor located, do you know?
11	A The exact street?
12	Q Yes.
13	A I don't know. I couldn't give you the exact
14	street.
15	Q Do you know the name of the street?
16	A No. I could take you there, but I can't give you
17	the name of the street.
18	Q Near what street is it, if you recall?
19	A Grand.
20	Q How far from Grand?
21	A Not far.
22	Q What is "not far," w many blocks?
23	A I'm not sure. It's right in that same area. It
24	could even be on Grand Street, for all I know.
25	(Continued on next page)

1	gwjw l	Hall - cross 435
2	Q	What did you do the balance of that day; do
3	you recall	?
4	A	The day that he was sentenced?
5	. Q	Yes.
6	Α '	Yes, I went over after speaking to Mrs.
7	Grant I we	nt over to Richard, Richard's trailer.
8	Q	And?
9	A	Later on in the afternoon and early evening
10	I went bac	ck over to Mrs. Grant's again.
11	Q	Were you working at the time?
12	A	Not right then, not that day.
13	Q	You had a job then?
14	A	I had a job; yes, sir.
15	Q	Did you go back to work that day?
16	A	No, sir.
17	Q	Then you spoke to Mrs. Grant again later in
18	the day?	
19	A	Yes, sir.
20	Q	What time was that?
21	. A	It was early late afternoon or early evening.
22	Q	What was discussed?
23	A	Richard.
24	Q	What was the discussion?
25	A	Mrs. Grant telling me that she had called Mr.

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Doulin's relatives to see if she could find out when he would be back, when she could speak to him.

Q Did she say she had called him again?

A Yes. She called the family this night. In the daytime she called the office.

- Q Did she say she spoke to any one of the family?
- A Yes.
- Q Did she tell you who?
- A No. It was just an in-law, a son or an in-law.

 I'm not sure of who she said she spoke to.
- Q Did she tell you whether she called Mr. Doulin's home?
 - A No, sir.
 - Q Did youask her who she called?
 - A No, sir.
- Q Do you know her son or in-law that she made reference to?
 - A Mr. Doulin's?
- Q The one who apparently received this telephone call that you are talking about.
 - A No, sir.
 - Q Do you know the name of Mr. Doulin's son?
- A No, sir.
 - Q Do you know where Mr. Doulin's son lives?

1	gwjw 3	Hall - cross
2	A	No, sir.
3	Q	Do you know what business he's in?
4		MR. JOSSEN: Objection, your Honor.
5		THE COURT: Overruled.
6	A	No.
7	Q	The answer is no?
8	A	That's right, sir.
9	Q	Do you know whether Mr. Doulin's son is
10	married or	single?
11	A	I'm not sure if he even has a son. It was
12	either his	son or son-in-law that Mrs. Grant spoke to.
13	I don't ren	member which she said to me.
14	. 0	How long did that conversation take place?
15	A	Not very long.
16	Q	About how long?
17	A	Ten minutes, fifteen minutes.
18	Q	Did you talk about anything else?
19	A	I don't remember speaking about anything else.
20	Q	When was the next time you saw Mrs. Grant?
21	A	I seen her the next day.
22.	Q	About what time of the day was that?
23	A	It was early in the day.
24	Q	I beg your pardon?
25	A	It was early in the day.

1	gw jw 4	Hall - cross
2	Q	In the morning?
3	A	Yes, sir.
4	Q	Did you go to work the next morning?
5	A	No, sir.
6	Q	Where did you stay the night?
7	A	In the trailer.
8	Q	Incidentally, the day before that we were
9	discussing	, you had a discussion with Mrs. Grant in the
10	evening.	
11		Was there anyone else present at that discussion
12	A	I'm not sure, sir.
13	Q	How about in the afternoon discussion, was
14	there anyb	ody present, anyone else other than Mrs. Grant
15	present?	
16	A	I'm sorry, sir. I'll correct myself. The
17	evening th	ere was Mr. Grant there. In the after.loon, I
18	don't eli	eve there was anyone there.
19	Q	When you saw Mrs. Grant the next day in the
20	morning or	early in the day, as you put it
21	A	Yes.
22	Q	was there anyone else present at that time?
23	A	Yes, Mr. Grant.
24	Q	Was Mr. Grant working at that time; do you
25	know?	

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A It was a Saturday. I'm not sure if he had retired or not.

- Q What was the discussion?
- A Most of it pertained to Richard.
- Q Tell us what was said.

A I don't know exactly what was said. It was just about him being in jail and trying to get Mr. Doulin on the phone.

Q She told you she had tried to get Mr. Doulin on the phone?

A She told me that she had called Mr. Doulin's relatives again on the phone.

Q Did she tell you when she called Mr. Doulin's relatives again?

- A Not exactly, no. She didn't tell me when.
- Q She did say she called them again?
- A Yes, she did.
- Q The conversation that had taken place the day before in the evening, about what time was that?

A This was early evening, late afternoon or early evening.

Q We are talking now about the second conversation of the day of the sentencing.

A Yes.

24

23

Q After you left, after that second conversation, you didn't return and meet with Mrs. Grant again the evening or that night, did you?

A Not that I can remember, sir.

THE COURT: We will take our luncheon recess at this time.

I have another matter which will require my attention. So that the lunch hour will be longer than usual. We will resume at 2:15 p.m.

Please dc not discuss the case among yourselves, nor remain in the presence of anyone else who may be discussing the case. Keep an open mind on all facets of the case until it has been concluded and given to you following my charge.

The jury is excused. You are directed to return and resume hearing this case at 2:15. We will work until approximately 5:00 o'clock.

(Luncheon recess taken until 2:15 p.m.)

2:15 p.m.

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Hall-cross

AFTERNOON SESSION

(In open court; jury present)

FLORENCE HALL, resumed.

THE COURT: Good afternoon, ladies and gentlemen.

This is one of the things I like, a prompt jury. I appreciate it.

We will resume now with the cross-examination of Mrs. Hall.

Mr. Platzman, you may resume.

CROSS-EXAMINATION CONTINUED

BY MR. FLATZMAN:

MR. PLATZMAN: I understand the reporter doesn't have the last few questions of this morning, and if I repeat just a little bit, please excuse me. I will try not to as much as possible.

Q Mrs. Hall, I think when we discontinued for the luncheon recess we were talking about a number of conversations that were held between yourself and Mrs. Grant just prior to the sentencing; is that right?

Yes, sir.

Just as a refresher, you said, as I recall, did you not, there was one conversation just before Richard was to go for sentencing on March 5th?

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A Yes, sir.

O And how much before that date was it?

A Just a day or two before.

Q And can you refresh my memory once again, was Richard present at that discussion?

A Yes, he was.

O And who else was present at that discussion?

A Mr. Grant was.

Q Mr. Grant?

A Yes, sir.

Q And Mrs. Grant?

A Yes, sir.

Q Anyone else?

A I don't recall anyone else, sir.

Q And what was discussed and who said what?

A We were talking about the possibility of Richard going to jail or not going to jail.

Q Who was the one that said that, do you remember?

A I believe we all were discussing it.

Q Do you have any specific recollection as to who brought the subject up of his perhaps going to jail?

A No, I don't know who brought it up.

Q Do you recall the substance of the conversation of any one individual?

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- A Yes, sir.
- Q What was that?
- A I recall Mrs. Grant talking to us about it and trying to make us understand that everything would be all right, that Richie wouldn't go to jail.
 - Q What did she say?
 - A I don't know the exact words,

THE COURT: In substance.

THE WITNESS: That it would be taken care of, that he wouldn't have any jail time.

- Q Did you have any comment to that?
- A Yes, J did.
- Q What did you say?
- A I had an argument with Mrs. Grant about it.
- Q Tell us the nature of the argument.
- A That I thought Richard deserved jail, I believe he deserved some time for what he had done.
 - Q And did anybody comment on that?
 - A Yes, Mrs. Grant did.
 - Q What did she say?
 - A She said he should have killed the con of a bitch.
 - Q And what did Richard say -- anything?
- A He just didn't want to ge bothered. He sat there and kept his mouth shut and was quiet.

1	GWmch Hall-cross 444
2	Q So you and Mrs. Grant were the ones engaged in
3	a conversation, is that correct?
4	A We were engaged in an argument, yes.
5	Q Did Mr. and Mrs. Monell join in it?
6	A No.
7	Q How long did this last?
8	A Not very long.
9	Q Give us an approximation.
10	A Just a matter of minutes; that's all.
11	Q And where did it take place?
12	A In her home.
13	Q Do you recall what conversation took place prior
14	to that date with reference to the sentencing?
15	A Nothing specific, sir.
16	Q On this one that took place a day or two before
17	that date, was there anything else that you recall that
18	was said during that meeting?
19	A No, sir.
20	Q Can you tell me how many times you met with Mrs.
21	Grant prior to the March 5th date in connection with the
22	impending sentence of Richard?
23	A I seen Mrs. Grant every day.
24	Q Do you have any specific recollection of dis-
25	cussions at her home?

MR.JOSSEN: I object.

Q I am talking about the period prior to the March 4th date.

MR. JOSSEN: The question has been asked and answered a number of times.

THE COURT: Beyond what you have already testified to -- I recognize that she has testified to certain conversations -- other than what you have told us, do you recall any other conversations with Mrs. Grant prior to the first date of sentence, March 5th?

THE WITNESS: I spoke with Mrs. Grant every day.

I lived right next-door to her. I seen her all the time.

There was many conversations with Mrs. Grant.

Q Was the March conversation that you described a moment so, when the whole family was there, on the eve of the sentencing of March 5th, was that the first time the question arose concerning your belief that Richard ought to do time?

MR. JOSSEN: Objection, your Honor, both as to form and it is assuming lacts which are not in the record.

THE COURT: We know that there was a conversation which was testified about prior to March 5th; we know that that conversation was something relative to Richard deserving time, that she stated he deserved some time.

Prior to the date of sentence on March 5th, were there any other conversations that you can recall where you said anything, in words or substance, that Richard should go to jail or he deserved some time for what he has done?

THE WITNESS: You mean the time before?

THE COURT: Any other time than the one you mentioned.

THE WITNESS: I don't recollect any.

THE COURT: You don't recall any?

THE COURT: Sustained as to form.

THE WITNESS: No, sir.

Q Do you recall any time when there was a discussion discussing Richard and the sentencing, whether Richard was present at any of those meetings?

MR. JOSSEN: Objection as to form, your Honor.

Q You testified that there were a number of conversations that took place with Mrs. Hall prior to the March 5th date, isn't that true?

THE COURT: Not Mrs. Hall.

MR. PLATZMAN: Mrs. Grant. I'm sorry.

A Yes.

On any of these occasions was Richard present?

A Yes.

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How many times? 0

I don't know, sir, a number of times.

Can you give us an approximation?

No, sir. We lived there. We seen each other constantly.

Q Wher prior to the meeting that was held on the eve of sentencing do you recall there was a meeting of you, Mrs. Grant and Richard, together with any other members of the family, in which the sentencing of Richard was being discussed?

MR. JOSSEN: Objection as to form.

THE COURT: Sustained as to form; the eve of sentencing.

Q You talked about a moment ago about a meeting that you had on the eve of sentencing; is that right?

THE COURT: A day or two before sentence there was a discussion?

THE WITNESS: Yes.

THE COURT: And at that time you said something about Richard deserved some time for what he did?

THE WITNESS: Yes.

We will fix that meeting as of the eve of sentencing; sight?

No, sir.

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When did it take place?

A This was before the sentencing. Exactly what day, I don't know.

- Q A day or two?
- A Possibly, yes.
- Q Was there any other meeting prior to that at which Richard was present and any other members of his family where this was discussed?

MR. JOSSEN: Objection.

THE COURT: Sustained.

- Q Where there was any discussing concerning Richard's sentence?
 - A Yes.
- Q How long before this meeting the we talked about which we will call just before the sentencing, how long before that?
 - A Within the same week before the sentencing.
- Q How many meetings were held in which Richard was present and you were present and Mrs. Grant was present and anybody else, during that week before Richard was sentenced?
- A We didn't have any planned meeting. We just happened to visit and discuss this.
 - Q Right. You are still talking about that as a

GWmch

Hall-cross

point at which you ere discussing something, whether you call it a meeting or not.

I want to know how many such discussions took place?

- A I couldn't tell you how many.
- Q Can you tell me how many times Richard was present at these discussions?
 - A No, I can't tell you that, either.
 - Q How about the week before? Were there discussions?

 MR. JOSSEN: Objection, your Honor, as to form.

THE COURT: Overruled. If she understands the question, I will permit her to answer.

A You mean how many times did we discuss it before this week?

Q Yes.

A I don't remember discussing it too far before.
We had gotten the notice he was to appear in court.

(Continued on next page)

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Do you recall whether there was any discussion the week before?

- I don't recall, no.
- You don't.

You say that during the time that Richard was in jail after March 5th you visited him a number of times?

- Yes, sir. A
- How many?
- About five or six times.
- Q Was it during one of those visits that you say you met Mr. Doulin?
 - No, sir.
 - When did you say you met Mr. Doulin?
- In December when Mr. Monell was in jail for the Family Court.
- Q Do you know about when this was, about what part of December?

MR. JOSSEN: Objection as to form, your Honor, the word this.

THE COURT: Do you recall when in December you met Mr. Doulin?

THE WITNESS: I can't give an exact date, but I can say somewhere around the middle of December or the early part. I can't give you an exact date of December.

	gwjw 2	Hall - cross 451	
	Q	You say you had been to Goshen with Mrs.	
	Grant at t	nat time?	
	A	Yes, sir.	
	Q	What was the occasion for going to Goshen; do	
	you recall	?	
	A	Yes, sir. I went to see Richard in jail.	
		THE COURT: That is when he was in on this	
	non-suppor	t?	
		THE WITNESS: Yes, sir.	
	Q	Did you drive the car to Goshen or did Mrs.	
	Grant or s	omeone else drive the car to Goshen?	
	A	I drove.	
	Q	Who else was in the car?	
	A	Mrs. Grant and myself.	
	Q	When you reached Goshen, where did you go?	
	A	I dropped Mrs. Grant off at the courthouse and	
1	I went ove	r to the jail.	
	Q	Is there a parking lot adjacent to these	
	buildings?		
	A	They each have their own parking lot.	
	Q	Where did you park your car?	•

In front of the jailhouse.

house, where did you go with your car to get her to the

When you dropped Mrs. Grant off at the court-

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1	gwjw 3	Hall - cross	45
2	countriouse	?	
3	. A	I drove in back of the courthouse. There	is
4	a parking	lot there. I let her off there.	
5	Q	She got out of the car?	
6	A	Yes, sir.	
7	Q	Did you see her go away?	
8	A	Yes, sir.	
9	Q	Did she go with someone or was she alone?	
10	A	No, she walked by herself.	
11	Q	Then what did you do?	
12	A	I left and went to the jail.	
13	Q	You parked your car near the jail?	
14	A	Yes, sir.	
15	Q	You visited with Richard?	
16	Α	Yes.	
17	Q	Do you remember which visit this happened	to
18	be?		
19	A	No, sir. No, I can't be exact.	
20	Q	What happened after your visit was over?	
21	A	I left and went back over to the courthou	se.

where was Mrs. Grant?

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A I parked the car in the parking lot. She told me I would find her in the lobby of the court.

When you drove to the courthouse parking lot,

there.

Did you go to the lobby of the court?

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A No, I walked through the courtyard and seen her in the courtyard.

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Q Where was the courtyard with respect to the entrance of the court?

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A The courtyard is in between the two buildings

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Q Did --

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MR. JOSSEN: Your Honor, I believe the witness had not completed her answer.

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THE COURT: Have you completed your answer?

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THE WITNESS: No, sir.

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THE COURT: Would you please.

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A The parking lot is in the rear of the building and there are many accesses to the courtroom from the street and from the courtyard. I go through the courtyard

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to get to where she told me she would he.

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Q As you approached the building instead of finding her in the court building --

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A I didn't get into the court. She was in the yard out in the courtyard.

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Q That's what I wanted to finish my question.

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Before you got to the court you found her in the courtyard adjacent to the building?

1	gwjw 5	Hall - cross
2	A	Yes, sir.
3	Q	Was she alone or was she with someone?
4	A	She was with Mr. Doulin.
5	Q	Was she with anybody else?
6	, A	No, sir.
7	Q	Fid the introduce you to Mr. Doulin?
8	A	Yes, she did.
9	Q	What did she say?
10	A	She told Mr. Doulin who I was.
11	Q	What did she say, to the best of your recollection
12	A	She said she said, "Bill, I would like you
13	to meet F1	orence." I believe she mentioned my last name.
14		She introduced me as Richard's girlfriend,
15	Florence.	That's what she said.
16	Q	After the introduction, was there any
17	other conv	versation?
18	A	Mr. Doulin Mr. Doulin commented that I was
19	a girlfrie	end of the bad boy.
20	Q	Anything else?
21	A	No. We left right after that.
22	Q	Was there any other occasion in which you
23	drove Mrs	. Grant to the courthouse and you went to the
24	jail?	
25	A	Yes, sir.

- 1	455
1	gwjw 6 Hall - cross
2	Q When was that?
3	A I drove her there when Richard was in jail for
4	the assault charges.
5	Q I'm sorry, I didn't hear that.
6	THE COURT: Mr. Reporter.
1	(Answer read)
8	Q This was in 1968, is that what you are talking
9	about?
10	A No, sir.
11	Q When did that take place?
12	A When Mr
13	MR. JOSSEN: Objection, your Honor. When did
14	that take place?
15	THE COURT: I think she knows. Let's see if
16	she can answer it.
17	When did you drive her there when Richard was
18	in jail on the assault charges? When in point of time was
19	that? Month, year.
20	THE WITNESS: I'm sorry. The month and the
21	y ar that Richard was in jail? In March.
22	THE COURT: Of what?
23	THE WITNESS: March of '71.
24	THE COURT: Thank you.
25	The trip that you took which you described a

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know the dates.

moment ago when you were introduced to Mr. Doulin was not one that took place during that period?

A No, sir.

Q Approximately, to the best of your recollection, when was the date when you were introduced to Mr. Doulin?

MR. JOSSEN: Objection, your Honor.

THE COURT: Asked and answered.

Q When you went there in March of '71 with Mrs.

Grant, was that on one occasion or more than one occasion?

A To the best of my recollection, she went with me twice.

Q Can you tell us the first time that you went with her to Goshen, about what date that was?

MR. JOSSEN: Objection, your Honor.

THE COURT: Overruled.

You do not mean in December of 1970?

MR. TLATZMAN: She said she had two of them.

I want to know the first one, when did it take place

THE COURT: Now we are in March. You say you drove her twice in March?

THE WITNESS: Yes.

THE COURT: When was the first time?

THE WITNESS: I don't know the dates. I don't

1	gwjw	9	Hall - cross
2		Α	In the in the anteroom of the courthouse.
3		Q	Was she alone or was she with someone?
4		A	She was with someone.
5		Q	Whom was she with?
6		A	Mr. Spano.
7		Q	Did she introduce you to Mr. Spano?
8		A .	Yes, she did.
9		Q	Had you ever met Mr. Spano before?
10		Α .	Yes, I did.
11		Q	When?
12		A	I couldn't tell you exactly. I don't really
13	remen	mber a	t all.
14		Q	If you can't tell us exactly, can you tell to
15	appr	oximat	ely?
16		A	No, I can't.
17		Q	Can you tell us what year?
18		A	No. No, I can't.

Q Can you tell us the circumstances under which you met him?

A I know I went to his office with Mr. and Mrs. Grant. I don't know when and I don't know why. I just remember going there.

Q Can you describe Mr. Spano?

A Can I describe him?

1	gwjw 10	Hall - cross 459
2	Q	Yes.
3	A	Yes, sir.
4	Q	Tell us your best description of him.
5	A	He's a large man, heavy set large man with white
6	hair. He	has a large nose, very gruff sort of man. I would
7	say	
8	Q	About
9		THE COURT: Let her finish, please.
10		MR. PLATZMAN: I'm sorry.
11	A	I would say he was in his sixties.
12	Q	About Mr. Doulin's height?
13	A	Possibly. Maybe a little taller.
14	Q	And also fairly heavily built?
15	A	He's larger than Mr. Doulin.
16	Q	How about his hair, also white?
17	A	It's light. I don't believe it's quite
18	as full.	
19	Q	Is it the same color as Mr. Doulin's hair?
20	A	Quite similar. It's been a long time since
21	I have se	een him.
22	Q	When after the visit in 1970 with Mr. Doulin

A I can't compare, sir. I have seen Mr. Doulin's

picture in the paper many times. I haven't seen Mr. Spano.

had you seen Mr. Doulin again?

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Did you ever see Mr. Doulin again since that "70 date other than what you saw in the newspapers?

A No, never in person.

THE COURT: I am sorry. I want to hear that question read back. You may have misspoke yourself.

(Question read)

THE WITNESS: I misunderstood.

THE COURT: I am not sure that counsel did not just unconsciously use March of 70.

Q You met Mr. Doulin in approximately December of 1970; is that right?

- A In December I met Mr. Doulin.
- Q You were introduced to him?
- A Yes, sir.
- Q From that date until the present had you ever met or seen Mr. Doulin personally?
 - A Not that I know of, sir.
- Q What tyok place when you met Mrs. Grant on that first visit in March when you drove Mrs. Grant tothe courthouse and you met Mr. Spano. Tell us what conversation took place.
- A There was no conversation. When I appeared Mrs. Grant introduced me to the man and we left.
 - Q Did you at that time say I have already met

1	gwjw	12	Hall - cross	461
2	Mr.	Spano?		
3		A	No, I didn't.	
4		Q	Did Mr. Spano say that?	
5		A	No. Mr. Spano said, "You are a nice looking	
6	woma	n."		
7		Q	Then you left with Mrs. Grant?	
8		A	Yes, sir.	
9		Q	Did you go back again to the courthouse at	any
10	time	later	in March with Mrs. Grant?	
11		A	Yes, one other cime.	
12		Q	How much after the first visit?	:
13		A,	I don't knc. 6 actly	
14		Q	Did the same thing happen?	
15		1.	Almost.	
16		Q	Tell us what did happen.	
17		A	I dropped Mrs. Grant off and I went to the	
18	3-11	, and	when I came back I picked her up.	
19		۵	Where was she when you picked her up?	
20		A	In the antercom of the courthouse.	
21		Q	Was she alone or with	
22		A	Yes.	
23		Q	was she with anybody at all?	
24		A	No.	

Was she talking to anybody?

A No.

Q How much time elapsed between the time that you dropped her off on this occasion and the time you picked

her up?

A Approximately an hour.

Q Is that the length of time of your visit?

A Yes, sir.

Q That was the same length of time in each instance; is that right?

A Yes, sir.

Q After that second visit in March did you go back with her to the courthouse at any time?

A No, sir.

7	CLI	-1
1	GWm	CI

Hall-cross

Q During the period that Richard was in jail on the assault charge after March 5th and prior to his resentencing on March 26th, you spoke, did you not, or if not, tell us, with Mrs. Grant a number of times concerning Richard's situation?

- A Yes.
- Q Were you present at the time of the resentencing?
- A No, sir.
- Q Can you tell us about how many times you spoke with Mrs. Grant concerning Richard's situation?

A I spoke with her before I left the house every day I went to see Richard in jail.

- Q Do you remember any specific conversation?
- A I remember a few of them.
 - Q Tell us the first one that you recall.

A The first one was the Tuesday after he was sentenced, when she told me to give him a message.

Q That was the message that you described on direct examination in answer to the U. S. Attorney's questioning?

- A Pardon me?
- Q Was that the message that you had testified to on direct examination in answer to counsel's question?
 - A Yes, sir.
 - Q What was that message?

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- 1 2 GWmch Hall-cross 2 That Richard would have to be patient until she 3 could get in touch with Mr. Doulin. Q At that first discussion, was there any 5 discussion about the amount of money she would have to pay? 6 No, sir. 7 Was there another discussion after that? 8 Yes, sir. 9 When was that? 10 When I came home that evening from the jail. 11 What was discussed then? 12 She told me she had tried to get Mr. Doulin and 13 couldn't, she got his family instead. 14 Who was present at that time? Myself and Mr. Grant. 16
 - When was the next time you spoke to Mrs. Grant about this problem?
 - I spoke to her every day about it.
 - Can you tell me when for the first time, if you recall, there was any discussion about Mrs. Grant having to pay some money?
 - Yes, sir.

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- When was that?
- I'm not positive of the date, but I think it is the third week that Richard was in jail.

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	465
1	3 GWmch Hall-cross
2	Q And that would be just prior to the resentencing,
3	is that your best estimate?
4	A Yes, sir.
5	Q The resentencing was the 26th, does that refresh
6	your memory?
7	A I believe so, sir.
8	Q And about how many days before the resent oncing
9	did this take place?
10	A I don't know, exactly, sir.
11	Q Well, approximately.
12	A I couldn't tell you. I'm really not sure.
13	Q A few days? A week?
14	MR. JOSSEN: Objection, your Honor, The witness
15	has answered the question.
16	THE COURT: Let's see if she can do any better.
17	If she can't, she'll say so.
18	THE WITNESS: I can't put any specific date on it.
19	Q Where did this discussion take place when the
20	money was talked about?
21	A In Mrs. Grant's.
22	Q In her home?
23	A Yes.
24	Q Who else was there?
25	A Mr. Grant.

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Hall-cross

Tell us what was said.

When I had walked into her home, she was just hanging up the telephone. She told me that she spoke to Mr. Doulin, and that he asked her for some money. She told me that all she had was -- she only had a little bit

- Did she tell you how much?
- She told me how much she was going to give Mr.
 - She said she was giving him about \$1,400. A
 - Was there anything else said at that time? Q
- She asked me if I wanted to go with her and Mr. Grant when she went and got the money, and down to Mr. Doulin in Newburgh.
 - And did Mr. Grant have anything to say?
 - No, sir.
 - Was he listening through all of this?
 - Yes, sir.
- And did she tel you she would have to go down and get the money out?
 - A She told me she was going to the bank.
 - Did she ask you to help her, drive her there? Q
 - Mr. Grant was driving. She asked me to accompany

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2 them.

Q When did that take place -- the day after the telephone call and the discussion you mentioned, or was it any other day?

- A I believe it was the next morning.
- O The next morning?
 - A I believe so.
 - Q And who was in the car with you?
- A Myself and Mr. and Mrs. Grant.
 - Q And where did you drive to?
 - A We went to the bank in Rosendale.
 - Q And about what time of the day was this?
 - A I believe it was the morning.
 - Q Will you tell us what happened after you arrived at the bank?

MR. PLATZMAN: I withdraw the question.

- Q Where is this bank?
- A Rosendale.
- Q Where in Rosendale?
- A On Route 32.
- Q Is it right off the highway?
- A It's right on the highway.

THE COURT: One of these drive-in banks?

THE WITNESS: Yes, sir.

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1	GWmch	Hall-cross 469
2	A	Yes. She said that was the end of her money,
3	and Richar	ed shouldn't get into trouble any more.
4	· Q	didn't hear that answer.
5		THE COURT: She didn't get a chance to finish
6	ic, either	
7		She said it was the end of her money and Richard
8	shouldn't	get into trouble.
9		"E WITNESS: If he got into trouble any more,
10	he would	have to stay in jail.
11	Q	And was anything else said?
12	. А	No.
13	Q	By anyone?
14	A	No, sir.
15	Q	After Mrs. Grant got this envelope which she
16	put into	her pocketbook, where did you go?
17	A	We went to Newburgh.
18	Q	And where in Newburgh?
19	, А	To Mr. Doulin's funeral parlor.
20	Q	And was Mr. Grant still driving?
21	A	Yes, sir.
22	Q	And you were still sitting in the back?
23	A	Yes, sir.
24	Q	And Mrs. Grant was sitting in the front?
25	A	Yes, sir.

And then she came out?

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Yes.

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24 25 A She said she couldn't talk to Mr. Doulin for any time because he had business in there, people he was speaking to on business.

Mrs. Grant told Mr. Doulin that he looked very good with his tan after just returning from his vacation.

- Q This is what she said after she got into the car?
- A Yes, sir.

She also commented about the money that she had given Mr. Doulin.

- Q What did she say about the money?
- A She commented again about not having any more money.
 - Q That she had given all she had to Mr. Doulin?
 - A Yes, sir.
 - Q She had no more to give to Richard; right?
 - A That's what she said before.
- Q And she said Mr. Doulin looked good after his vacation?
 - A Yes, sir.
- Of course, Richard wasn't there; he was in jail, wasn't he?
 - I'm not sure, sir.
- You say you didn't go back to the March 26th resentencing?

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A No, sir.

Q Did you ever go back to the funeral parlor with Mr. Grant for any purpose?

A No.

Q That was the only time?

A Yes, sir.

Q After that trip to the funeral parlor, did you again have any further discussion with Mrs. Grant or Mr. Grant concernir Richard's situation?

A Nothing that I can remember specifically.

Q And after that trip to the funeral parlor, did ou go back to your home?

A Yes, sir.

Q Back to the trailer?

A Yes, sir.

Q And where did Mr. and Mrs. Grant go?

A They went to their trailer.

Q And then there came a time when Richard was resentenced; is that correct?

A Yes, sir.

Q And where were you on the morning of the resentencing?

A On the morning, I was probably in my trailer.

Were you working during that time?

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- A I worked evenings.
- Q So that you didn't go to court?
- A No, sir.
- Q Do you know who was at court from the family, if anyone?
 - A We didn't know he was being resentenced.
- Q I gather that you didn't know the date when the resentencing was to take place, is that it, this happened unexpected?
 - A Ys, sir.
- Q When did you find out he was resenteced and came back home?
 - A He called me at work.
 - Q From the courthouse?
- A From outside. He asked me to come pick him up, that he had been released.
- Q That was the first time you knew he had had his resentencing?
 - A Yes, sir.
- Q You knew he was going to be resentenced, didn't you?
 - A No, I didn't.
 - Q Did you pick up Richard?
 - A Yes.

1	GWmch	Hall-cross 474
2	Q	Where was he when you picked him up?
3	A	In the jail waiting. The front room of the
4	jail.	
5	Q	Where did you go after you picked him up?
6	A	Took him to Mrs. Grant.
7	Q	Who was present when you returned with Richard?
8		THE COURT: To Mrs. Grant's.
9	/ A	Mr. and Mrs. Grant and Mr. and Mrs. Monell.
10	Q	This was all in the area where the trailers were
11	located;	is that right?
12	A	Yes, sir.
13	Q	In whose house were you at the time?
14	A	Mrs. Grant's.
15	Q	Was there any further discussion at that time?
16	A	Yes, sir.
17	Q	What was the discussion?
18	A	Mrs. Grant said it's always good to have a good
19	friend.	
20	Q.	And she was pleased it had been taken care of?
21	A	Yes, sir.
22	Q	Did she say once again, "There is no more money
23	now"?	
24	. A	No.
25	Q	Did you, after that date, again drive her to

Mr. Doulin's funeral parlor?

- A Not that I remember, sir.
- Q Was there any talk at that family get-together after Richard got out about the fact that there was no more money left?
- A Mrs. Grant chastised Richard about it, about always getting into trouble and costing her all the money that she ever had.
 - Q She said it cost her all the money she had?
 - A Yes.

MR. PLATZMAN: May I have one moment?
(Pause)

- Q Do you remember being asked to testify before the grand jury in this case, Mrs. Hall?
 - A For this now?
- Q Yes, involving Mr. Doulin's matter, the case involved in this discussion.

MR. PLATZMAN: May I have an opportunity to speak to the Court?

THE COURT: Yes.

(At the side bar)

MR. PLATZMAN: The reason I interrupted is I want to ask her about certain questions. Frankly, I don't even have

to ask her if counsel will concede as to some of these questions which I would like to go in to the jury. It doesn't have to be before the jury. We can discuss it later.

I would like some of these questions put into evidence. I assume this is authentic. I received it from counsel.

MR. JOSSEN: Are you claiming that there is some inconsistencies in her grand jury statements?

MR. PLATZMAN: I won't even cross-examine her.

I would ask her if she was asked this question and made
this answer. If it is inconsistent or not --

MR. JOSSEN: I don't see how the Government
can agree to that. If Mr. Platmzn wanst to ask a question
and answer given at the grand jury he feels is inconsistent,
we wouldn't object to it.

one of two purposes -- to attempt to show she has made a prior inconsistent statement, that is, to impeach her, or if at some point she didn't recall something, you can use the minutes to refresh her recollection, but I suggest -- I don't quite understand, since I don't know the questions and answers you have in mind, what your purpose is.

MR. PLATZMAN: Most of the reason is I haven't had enough opportunity to examine them that carefully.

For example, as of now, there may be some inconsistencies. But my principal reason in blocking out some of these questions is that these questions were loaded questions, they were leading, and these were the questions that were put to the witness in which it was the questioner who put in all the information and she said yes.

pick the form of the questions before the grand jury. You can use the minutes for the two purposes I indicated, i.e., to impeach her if you find her prior testimony was inconsistent with her testimony on the stand, or if it some point she didn't recall something, and you wanted to utilize that to refresh her recollection, you may do so, but it wouldn't be appropriate to read into the record, or incorporate within the record for any purpose the grand jury testimony, unless it's for the two purposes -- either of the two purposes to which I have just made reference.

MR. PLATZMAN: I wanted to use it for other reasons, and that is to indicate that basically the facts were being given to her and she merely said yes to them.

Nobody can object to the form, but this is certainly is something that can be argued with the jury in summation as to her credibility.

MR. JOSSEN: That is simply not a proper basis

for trying to put in grand jury testimony here.

THE COURT: I would suggest that I have ruled that you can use the grand jury minutes for one of two purposes, either to impeach her or to refresh her recollection. It appears that your intent is a third purpose.

MR. PLATZMAN: Right, which is an attempt to discredit her.

THE COURT: You say that, but it goes to the question of whether she is telling the truth here, and there you can impeach her by a prior inconsistent statement.

What you said is they didn't give you much latitude to impeach her because they put the question in the grand jury in a leading form, and the answers were yes or no. It is the yes or no that are important here.

If you are saying in the grand jury proceeding the district attorney's questions were improperly suggestive and leading, that is not a proper basis to proceed as you wish.

MR. PLATZMAN: That may go to the question, and this is what I am urging, as to whether or not she has been told this story by inference.

THE COURT: Then you have to ask her that question in one form or another: "Weren't you told to tell this story by the United States Attorney or by Mr.

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Jossen or by the 78% or by Agent Reutter?"

If she says, "No," you are stuck.

MR. SCHWARTZ: There has to be a basis for a question like that.

THE COURT: Of course. I would suggest in order to read from the grand jury minutes, where you are not seeking to impeach her by an inconsistent statement which she made previously in the grand jury, or where you are not seeking to refresh her recollection where she doesn't recall something now, you just can't go on another tack.

MR. PLATZMAN: Would your Honor give me a few minutes to see if I can correlate this with any inconsistencies? I blocked it out on another basis. I would like to be able to go through this to see some of these questions, whether I can bring it in under those categories.

I hate to take so early a recess.

THE COURT: Do you have any redirect?

MR. JOSSEN: I don't plan to right now.

THE COURT: You are asking for a five-minute

recess?

MR. PLATZMAN: Yes.

THE COURT: You have it.

(In open court)

THE COURT: Ladies and gentlemen, at the request

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of counsel, we are going to take a five-minute recess.

I suggest that you take care of your affairs in there with the thought we may continue until we conclude.

Counsel would like five minutes, which I think would be proper in the circumstances, and it may very well expedite matters. Therefore, I am going to excuse the jury for a brief recess and direct that you not discuss the case among yourselves.

Keep an open mind on all facets of the case until we have concluded.

Five minutes.

(Recess)

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(In open court - jury present)

CONTINUED CROSS EXAMINATION

BY MR. PLATZMAN:

Q Mrs. Hall, just one or two brief additional questions.

within the last ten years, Mrs. Hall, have you been involved with any violation or infraction of the law?

MR. JOSSEN: Objection, your Honor.

THE COURT: Sustained as to form.

Q Have you at any time been arrested in the last ten years?

- A Yes, sir.
- Q When?
- A This past year.
- Q Where were you when the arrest took place?
- A Newburgh.
- Q What was it for?
- A Assault.
- Q Was there an assault on any person?
- A No, sir.
- Q Was a claim made against you that you hadassaulted someone?
 - A Yes, sir.
 - Q Who was the person who presumably was supposed

1	gwjw 2	Hali - cross	482
2	to have bee	n assaulted?	
3	, A	A neighbor of my mother-in-law's.	
4	Q	I didn't hear the answer.	
5		THE COURT: "A neighbor of my mother-in-	law's."
6	-	MR. PLATZMAN: Thank you.	
7	Q	Did you assault that person?	
8	A	No, sir.	
9	Q	Any other occasion?	
10	A	Yes, sir.	
11	Q	When was that?	
12	A	About five years ago.	
13	Q	What was that for?	
14	A	Assault.	
15	Q	Where were you living at that time?	
16	A	In Newburgh.	
17	Q	Was this before you met Richard?	
18	Α	No, sir.	
19	Q	Whom were you supposed to have assaulted	at
20	that time?		
21	. A	A woman that lived in the same building	with
22	my sister.		
23	Q	Did you in that case claim that you didn	't assault

MR. JOSSEN: Objection, your Honor.

her?

1	gwjw 4 Hall - redirect/recross
2	to the two arrests?
3	THE WITNESS: They were both dismissed.
4	MR. JOSSEN: No further question.
5	RECROSS EXAMINATION
6	BY MR. PLATZMAN:
7	Q Was there any trial or prosecution?
8	A No, sir.
9	Q This came before a lower court judge and a
10	hearing was held; is that right?
11	A Yes, sir.
12	Did the judge give you a lecture?
13	A No, sir.
14	Q Did the judge say anything to you?
15	A He asked me what had happened and he asked
16	the other party what had happened, and he dismissed both
17	of them for lack of evidence.
18	Q This took place in both cases?
19	A Yes, sir.
20	MR. PLATZMAN: No other questions.
21	MR. JOSSEN: Nothing further, your Honor.
22	THE COURT: Thank you very much, Mrs. Hall.
23	You are excused. You may leave.
24	(Witness excused)
25	MR. SCHWARTZ: Your Honor, Mr. Monell was on

gwjw 5

the stand.

THE COURT: You wish to recall him?

MR. SCHWARTZ: Yes, your Honor.

THE COURT: Very well.

by Mr. Schwartz finished their direct examination when we recessed on Friday, that is the direct examination of Mr. Monell. Mr. Schwartz indicated to counsel and to the Court that he did have a few additional questions. Mr. Monell will now take the stand. Mr. Schwartz will inquire with a few additional questions on direct examination and then we will proceed with the cross examination.

RICHARD GEORGE MONELL,

resumed the stand, having been previous sworn, testified further as follows:

THE COURT: Mr. Monell, I will remind you at this time that you will be continuing your testimony you started last week under the same oath as was administered at that time.

Do you understand that?

THE WITNESS: Yes, your Honor.

THE COURT: Very well.

MR. SCHWARTZ: May I proceed, your Honor.

Monell - direct 486
THE COURT: You may, Mr. Schwartz.
IRECT EXAMINATION
ARTZ:
Mr. Monell, have you ever met or seen Mr.
Yes.
Do you see him in this courtroom?
Yes.
Will you point him out, please?
Right there (indicating).
THE COURT: Would you indicate which individual?
THE WITNESS: The white hair fellow on the
THE COURT: At the rear table?
THE WITNESS: Yes.

CONTINUED DIRECT EXAMINATION

BY MR. SCHWARTZ:

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Doulin?

left.

THE WITNESS: Yes.

THE COURT: Indicating the defendant.

Mr. Monell, directing your attention to 1970, prior to your entry of a guilty plea in your assault case, did you have any discussions with your attorney prior to entering that plea of guilty?

> Yes, I did. A

Would you tell us what was said, tell us what the discussions concerned?

It concerned how many years I was liable to

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1	gwjw 7	Monell - direct 487
2	get.	
3	Q	Who was telling you how many years you were
4	liable	to jet?
5	A	Mr. Shapiro.
6	Q	Did you tell him anything?
7	A	Yes, I did.
8	Q	What did you tell him?
9	A	I told him I know what I'm doing.
10	Q	Did you ever serve in the Armed Forces?
11	A	Yes, I did.
12	Q	What branch?
13	A	Marines.
14	Q	How long?
15	A	Close to three years.
16	Q	What type of discharge did you get?
17	A	Undesirable.
18	Q	Were you ever courtmartialed while you were
19	in the	Marines?
20	A	Yes.
21	Q	Ever go AWOL?
22	A	Yes.
23	· Q	Was that the reason for the courtmartial?
24	A	Yes.
25	. 0	Any other problems while you were in the Marines

1	gwjw 8	Monell - direct / cross 488
2	A	Not that I remember, no.
3	Q	Have you ever served as an informant for the
4	FBI?	
5	A	Yes.
6	Q	When was that?
7	A	In the summer of '71.
8	Q	Do you recall for how long a period you
9	served?	
10	A	No.
11		MR. SCHWER I have no further questions,
12	your Honor	
13	CROSS EXAM	MINATION
14	BY MR. PLA	ATZMAN:
15		THE COURT: You may cross examine, Mr. Platzman.
16		MR. PLATZMAN: Thank you, your Honor.
17	, o	Mr. Monell, how old are you?
18	A	Thirty-eight.
19	Q	Where do you reside now?
20	A	St. Thomas, U.S. Virgin Islands.
21	Q	How long have you been living in the Virgin
22	Islands?	
23	A	Three years.
24	Q	During the time that you have been living
25	there, ha	ve you been back to the United States?

I'm not sure.

			492
1	gwjw 12	Monell - cross	
2	-	THE COURT: He has answered the question	1.
3	Q	Are you married now, Mr. Monell?	
4	A	No.	
5	Q	Have you been married?	
6	A	Yes.	
7	Q	When were you married and to whom?	
8	A	I don't remember when.	
9	Q	Who was the person that you married?	
10	A	I was married twice.	
11	Q	What was the first time?	
12	A	I don't remember.	
13	Q	You don't remember who that was?	
14	A	I remember who it was. I don't rememb	er the
15	date.		
16	Q	All right.	
17		Who was it?	
18	A	Carol Ugardi.	
19	Q	Did you have any children by that firs	3t
20	marriage	?	
21	A	No.	
22	Q	How long did that last?	•
23	A	A year.	
24	Q	Did you obtain a divorce from Carol?	
25	, A	Yes.	

1	gwjw	13	Monell - cross 493
2		Q	Where was that divorce granted?
3	1	A	In New York State.
4		Q	In New York State?
5		A	Yes.
6		Q	Did you remarry again?
7		A	Yes.
8		Q	When was that?
9		A	1962.
10		Q	Do you remember when?
11		A	February.
12		Q	Do you know the date?
13		A	No.
14		Q	Who was it that you married then?
15		A	Ernestine Terelli.
16		Q.	Were there any children of that marriage?
17		A	Yes.
18		Q	How many?
19		A	Two.
20		Q	What were their names and dates of birth?
21		A	Richard and Paul. Dates of birth, I don't
22	hav	e any	
23		Q	Did that marriage end in a divorce?
24		A	Yes.
25		Q	When was the divorce?

	1 gwjw 14 Monell - cross 494
	A I don't know.
	Your wife got a divorce against you; is that
	it?
	A Yes.
6	Q Have you seen the children at all
7	A Not in three years.
8	Have you seen them before the three years?
9	A Yes.
10	Q Do you know approximately how old the children
11	are?
12	A Eleven and nine.
13	Q Were you involved in an incident in 1968 with
14	a Mr. DeWeaver?
15	A Yes.
16	Q Can you tell us the date?
17	A No.
18	Q Were you working at the time?
19	A No.
20	Q When prior to the date of that incident had you
21	been working?
22	A I don't have any idea.
23	Q Do you recall for whom you had been working
24	prior to that incident?
25	A With the Teamsters, Local 445.

1	gwjw 15 Monell - cross 495
2	Q What kind of job did you have the tar?
3	A Shop steward.
4	Q Shop steward in what company?
5	A Abborio Construction.
6	Q Were you working for Abborio?
7	A I was working for Abborio, yes. It wasn't for
8	the Teamsters.
9	Q What were you duties at the Teamsters?
10	A I don't recall.
11	Q How long did you work for the Teamsters?
12	A I didn't work directly for the Teamsters.
13	Q Were you hired on specific jobs when there was
14	a strike; is that it?
15	A No.
16	Q Tell us the circumstances under which you were
17	hired by the Teamsters?
18	A On highway construction I was the shop steward.
19	I policed the union contract with the employee.
20	Q Had you known Mr. DeWeaver for any length of
21	time prior to this incident?
22	A Yes.
23	Q How long?
24	A Two years.
25	Q What were the circumstances under which you

Q What were the facts concerning this dispute that you had with Mr. DeWeaver?

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I don't remember the facts.

THE COURT: Were they of a personal nature or did they involve some business?

THE WITNESS: No, they were a personal nature. It was no business involved.

- Did you ever tell anybody that it was due to a problem involving collections for a loan shark?
 - No.
- In any event, you don't remember what the reasons ware?
 - A No.
- Let's get down to the date when this shooting took place.

I gather you don't recall the exact date?

- A No.
- Where did it take place? Q
- Newburgh. A
- Where in Newburgh? Q
- A bar across from the Newburgh bus station. A
 - What was the name of the bar? Q
 - I don't know what it was then. A
- What is it now? Q
 - The Bus Stop. A
- Do you know about when the name was changed? Q 25

1	gwjw 18	Monell - cross 498
2	Α	No.
3	Q	When did you get o the bar?
4	A	At night.
5	Q	About what time?
6	A	11:00 o'clock.
7	Q	Were you with anyone?
8	A	Yes
9	Q	Who?
10	Α .	Florence York.
11	0	Where had you been earlier that evening?
12	A	I don't remember.
13	Q	Do you remember where you were in the afternoon
.4	of that day	1?
15	A	No.
16	. 0	Did you come with Florence or did you meet her
17	there?	
18	A	I came with her.
19	Q	In whose car?
20	A	Hers.
21	Q	Did you have a car at that time?
22	A	No.
23	Q	Do you remember where you met her for the
24	first time	that evening?
25	A	No.

1 2		Monell - cross Monell - cross Do you remember about what time you met her
3	50	or the first time that evening?
4 5		A No. Q Prior to going to The Sportsman's Bar, where
6	r	and you been with her?
7		I don't remember. It's five years ago.
8		THE COURT: Do you recall that that
9		was the name of the place, the name that counsel has now
10 11		mentioned, Sportsman's Bar? THE WITNESS: Sportsman? No, I don't, your
12		Honor.
13		Honor. Q Do you remember whether you had had any other mbe Bus Stop, called
14		drinks prior to going to that bar, The Bus Stop, called The Bus Stop now, that specific bar, prior to going there
15	5	The Bus Stop now, that specific
16	6	that evening?
1	7	A Do I remember?
1	18	A Do I lements
	19	A No, I don't remember.
	20	A No, I don't lead to the bar What did you do when you and Flo got to the bar
	21	that evening?
	22	A Went inside and had a drink.
	23	Q Did she have a drink with you?
	24	A I'm not sure.

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Yes.

Had you been living with Flor at that time?

1	GWmch 2	Monell-cross	201
2	A	Where did I live?	
3	Q	Yes, with her.	
4	A	Squire Village, Newburgh.	
5	Q	And where is Squire Village located?	
6	A	In New Windsor.	
7	Q	Do you remember the street?	
8	A	No.	
9	Q	And after you lived in New Windsor	
0		MR. PLATZMAN: I withdraw the question.	
1	Q	How long did you live in New Windsor?	
2	A	Six months.	
.3	Q	And after New Windsor, did you move with Flor	ence
4	somewhere		
.5	A	Yes.	
6	Q	Where?	
7	A	I don't remember.	
8	Q	Was that during the time you were still livin	 g
9	with her?		
20	A	That's right.	
1	Q	After you left New Windsor, you say you don't	
2	recall whe	ere you moved to.	
3		Do you recall the next place you lived with	
4	Florence?		
5	A	No.	

1	GWmch 3 Monell-cross
2	Q Where were you living at the time the DeWeaver
3	incident took place?
4	A With her sister; myself, Miss York and her sister.
5	Q I'm sorry. I didn't hear that.
6	THE COURT: "With her sister; myself, Miss York
7	and her sister."
8	Q Her sister was married at that time?
9	A No. I'm not sure.
10	Q The only ones living in that apartment, then,
11	were yourself, Florence and her sister; is that right?
12	A Yes.
13	Q Do you remember how long prior to the DeWeaver
14	incident you had been living there?
15	A No.
16	Q Irrespective of the length of time, where did you
17	live with Miss York prior to the time that you were living
18	at her sister's house with her and her sister?
19	A I don't remember.
20	Q In any event, to get back to the evening of the
21	DeWeaver incident, there came a time when you were in the
22	bar for some period of time with Florence; right?
23	A Yes.
24	Q And did there also come a time when you were

there that you saw Mr. DeWeaver?

		503
1	GWmch 4	Monell-cross
2	A	Yes.
3	Q	Did he come into the bar after you did or before?
4	A	He was there before me.
5	Q	What part of the bar was he in?
6	A	All the way in the back. It's a side recreation
7	room.	
8	Q	What was he doing there?
9	A	Shooting pool.
10	Q	And you were in the front of the bar with Florence?
11	A	Yes.
12	Q	And, Mr. Monell, can you tell me for how long a
13	period of	time you were in the bar when you noticed Mr.
14	DeWeaver,	or did you notice him just as you walked in?
15	A	I believe I was there a half-hour before I seen
16	him.	
17	Q	And when you saw him, what did you do?
18	A	Nothing.
19	Q	Did you talk to Florence about it?
20	A	No.
21	Q	You stayed with Florence and you spoke to her
22	about other	er things; is that right?
23	A	Yes.
24	Q	Did there come a time when you went in to see
	■ Control (1) 1 (1) (1) (1) (1) (1) (1) (1) (1) (

DeWeaver?

1	GWmch 5 Monell-cross
2	A No.
3	Q Tell us the circumstances describe to us how
4	you reached a point when you came in contact with Mr.
5	DeWeaver.
6	A He walked out of the car. He was finished
7	drinking. His girl friend and him walked out of the bar.
8	Q Do I gather that during this entire period from
9	the time that you came in until the time he walked out
10	of the bar, you had been in the bar with Florence?
11	A Yes.
12	Q And the two of you were together the entire time?
13	A Yes.
14	Q Did you have a couple of drinks?
15	
16	Q Do you recall whether Florence had a couple of
17	drinks?
18	A No.
19	Q Then there came a time when DeWeaver walked out
20	with his girl friend?
2	A Yes.
2	Q What was his girl friend's name?
2	A I don't remember.
:	Q Do you know whether she was married at that time
	25 A No, I don't know.

1	GWmch 6 Monell-cross
2	Q Did you ever meet her before?
3	A I'm not sure.
4	Q When Mr. DeWeaver started to leave the bar, how
5	did he do so? What part of the bar did he walk through in
6	order to leave?
7	A He walked behind me. He came out of the back
8	room and walked behind me out to the front door.
9	Q Up until that time you didn't talk with him and
10	didn't have any contact with him?
11	A No.
12	Q And then where did he go?
13	A Outside, across the street to the parking lot.
14	Q Did his girl friend accompany him?
15	A Yes.
16	Q And you continued to stay at the bar with Flo?
17	A No.
18	Q How long after he got to the parking lot did you
19	leave?
20	A Right behind him.
21	Q You walked in back of him?
22	A Yes.
23	Q Where was Flo?
24	A I don't remember now where she was.
25	Q Do you know whether she walked along with you?

1	GWmch 7 Monell-cross
2	A I doubt it, but I'm not sure.
3	Q Mr. DeWeaver was walking with his girl friend?
4	A Yes.
5	Q About how far was it from where you were standing
6	in the bar until you left the bar, to get out the exit
7	point, the door? How far was it?
8	A Five feet.
9	Q In other words, you were fairly close to the
10	exit?
11	A Yes.
12	Q When he passed by you or in back of you,
13	did you then turn around and follow him?
14	A Yes.
15	Q Did you say anything to him?
16	A No.
17	Q How far in back of him were you while you were
18	following him?
19	Let me put it this way
20	THE COURT: Wait a minute. He seems about to
21	answer the question. Let him try to answer it, and then
22	you ask your next question.
23	A He went out the door and I turned around and
24	followed him right outside.

THE COURT: Did you exchange words as he passed

- 1		31
1	GWmch 8	Monell-cross
2	you?	
3		THE WITNESS: None.
4		COURT: You followed him outside.
5	Q	What I want to know, then you were following him
6	was the d	istance between you and DeWeaver, say, the
7	distance	between the witness chair and myself?
8	A	No.
9	Q	Less than that or more than that?
10	A	Yes; less.
11	Q	About how much less?
12	A	Three foot.
13	Q	You were right in back of him; is that right?
14	A	Right.
15	Q	While you were walking in back of him, did you
16	say anyt	hing to him?
17	A	No.
18	Q	He continued to walk to what point?
19	A	He?
20	Q	Yes.
21	A	I don't know where he was walking to. I think
22	he was v	walking to his car, but I'm not sure.
23	Q	Tell us what happened following the point at
24	which yo	ou were following him.

I followed him. He got across the street to the

		508
1	Gwmch 9	Monell-cross
2	bus parkin	g lot.
3		I called his name. He turned around.
4		At the time I had a pistol in my hand. I slapped
5	him with	the pistol. The pistol went off. He got shot
6		oulder, and he fell down.
7	Q	Was he standing upright when he was shot with
8	the pisto	1?
9	A	Yes.
10	Q	Where did you hold the pistol in your hand?
11	In which	hand?
12		(Witness indicating)
13	Q	Your right hand?
14	A	Yes.
15	Q	Did you hold the handle of the pistol or any other
16	portion?	
17	A	The butt of the pistol.
18		THE COURT: The what?
19		THE WITNESS: Butt.
20	0	You say you hit him with the pistol?
21	A	Yes.
22	0	Did you pull the trigger?
23	A	When I hit him it went off.
24	Q	What part of his body did you hit him in?

His shoulder.

1	GWmch 10 Monell-cross
2	Q Where was his girl friend at the time this took
3	place?
4	A Away from him.
5	Q And then what happened?
6	A Then, after the shot, his girl friend started
7	screaming, Mr. DeWeaver's girl friend. I walked back
8	in the bar. Miss York was inside.
9	I told her, "Let's go," and we went out the door.
10	Q Where was the gun during this period?
11	A In my hand.
12	Q Did you put it away?
13	A I put it in my coat.
14	Q And where was Flo when you came back to the bar?
15	Was she at the same point she was when you left her or
16	some other point?
17	
18	Q Then you said, "Let's go"; is that what you said?
19	A Right.
20	Q Did you say anything else?
21	
22	Q Did you tell her that you shot someone?
2	
2	Q Did you say that you think you might have killed
2	5 him?

1	GWmch	Monell-cross 510
2	A	I don't remember that, no.
3	Q And then after you left you went out with Flo,	
4	is that r	ight?
5	A	Yes.
6	Q	And where did you go?
7	A	We got into Miss York's car.
8	Q	And where 'it you go after you got into the car?
9	A	We went to New Windsor to her sister's house
10	trailer.	
11	Q	Where her sister what?
12		THE COURT: To her sister's house trailer.
13	Q	And did you go into the trailer with Flo?
14	A	Yes.
15	Q	Who was there at the time?
16	A	Her sister.
17	ο .	Flo also accompanied you?
18	A	I'm not sure.
19	Q	Going back, did you drive or did Flo drive?
20	A	I drove.
21	Q	Was Flo in the car?
2	2 A	Yes.
2	3 Q	Did you have a talk with her while you were
2	going t	o her sister's?
2	5 A	I'm not sure.

11	
1	GWmch Monell-cross 511
2	Q Did you ever discuss with her to tell her what to
3	say in case she was questioned?
4	A I'm not sure.
5	Q After you got into her sister's trailer with
6	Flo I'm sorry. You got into her sister's trailer;
7	you don't recall whether Flo was there or not in the trailer
8	is that right?
9	MR. SCHWARTZ: Objection, your Honor. That
10	question includes a fact not in evidence.
11	THE COURT: So far, as I understand it, he drove
12	to Flo's sister's house trailer located in New Windsor;
13	is that right?
14	THE WITNESS: Yes, sir.
15	THE COURT: And then did you go in alone, or
16	did Flo accompany you into the trailer?
17	THE WITNESS: I believe I went in alone.
18	Q A.d Flo waited for you outside?
19	
20	Q And did you talk with her sister?
21	
22	Q Was there anybody else present?
2	A Yes.
2	Q Who was present?
. 2	A A man named Wally Stang.

-	Monell-cross	512
1	GWmch	
2	Q Did you know Wally Stang?	1
3	y Yes.	1
4	Q How long had you known him?	
5	A A couple of years.	
6	Q Tell us what the discussion was.	he
7	A I asked him if I could borrow his car, and	
8	said yes. I told him I would leave Florence's car	
9	someplace.	her .
10	Q Did he ask you why you wanted his car rat	,
11	than Flo's car?	of
	the he did. Yes, I made up some man	
12	the running running right or someth	
.,	tell him then you had sho	
14	anybody to catch up with you in your c	ar or
16		
D	I'm not sure.	
17	Q Do you know where Wally lives now?	
		im?
	when was the last time you have	?
	21 A When was the last time I have soon	
	22 Q Seen Wally.	
	23 A Two weeks ago.	
	24 Where did you see him?	

1	GWmch	Monell-cross 513
		Do you know where Wally was living at the time
2	Q	
3		Weaver incident?
4	A	No.
5	Q	Did he give you the keys to his car?
6	A	Yes.
7	Q	What kind of a car was it?
8	A	Station wagon. I don't know the make or year.
9	Q	What kind of a car did Florence have?
10	A	Dodge.
11	Q	And then you got the keys and you went out of
12	the trai	ler?
13	A	Yes.
14	Q	Did Florence's sister have anything to say during
15	this con	nverastion you had with Wal'y?
16	. А	I don't remember.
17	Q	And then you joined Florence.
18		Where was Florence at the time, still in her car?
19	A	Yes.
2	0	And what did you say to her, if anything?
2	1 A	She might have no, I don't remember, really, no.
2	2 Q	Did you tell her to get out of the car and to get
2	into th	ne other car?
2	24 A	
:	25 Q	Did you get into the other car, into Wally's car?

- 1		
1	GWmch	Monell-cross 514
2	A	Yes.
3	Q	Did she go with you?
4	A	Yes.
5	Q	And where did you go?
6	A	High Falls, Ulster County.
7	Q	What time was this when this took place?
8	A	12:00 or 1:00 o'clock.
9	Q	Did you stay the night at High Falls?
10	A	Yes, the weekend.
11	Q	What day of the week was this?
12	A	Friday.
13	Q	Did you stay there Saturday and Sunday?
14	A	Yes.
15	Q	Did Florence stay with you?
16	A	Yes.
17	Q	Did you see your parents when you came there?
18	A	Yes.
19	0	The same night or in the morning?
2	A .	Same night.
2	1 Q	How about your grandparents?
2	2 A	No.
2	3 0	
2	24 A	
:	25 Q	Did you tell them that you shot somebody?

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A No.

Q Did you tell that to your grandmother or grandfather the next day?

A I'm not sure.

Q What was the next thing you did about this incident following that weekend that you can recall?

A I called my attorney.

Q Who was your attorney?

A Howard Finkelstein.

He wasn't my attorney. He is an attorney I looked in the telephone book.

Q And what was the name of the law firm that he was with?

A I don't remember.

Q Do you recall Finkelstein, Morrell and someone else, Kaplan?

A I recall. But I don't think Morrell was there at the time. I think it was Finkelstein & Kaplan.

Q Finkelstein & Kaplan?

A Yes.

Q Did you speak to him by telephone?

A Yes, I think I spoke to his secretary and maybe I set up an appointment.

Q Then did you go see him?

25

1	GWmch	Monell-cross 517
2	Q	What happened after you surrendered yourself?
3	. А	The judge set bail.
4		THE COURT: And you were released?
5		THE WITNESS: Yes, released on bail.
6	Q	You were released on bail.
7		Now, following that release on bail, did you
8	subsequen	tly go to court?
9	A	Yes.
10	Q	And about how long after was that?
11	A	I don't recall the date. When I was indicted by th
12	grand jur	y; that's all I remember.
13	Q	Was Mr. Finkelstein still your attorney at that
14	time?	
15	λ	No.
16	Q	Who was your attorney?
17	A	When I was indicted, I don't believe I had an
18	attorney.	
19	Q	Did Mr. Levinson represent you at any time?
20	A	Not that I recall.
21	Q	Do you remember speaking to Mr. Levinson at all
22	about tha	t case?
23	A	No.
24	Q	After you were indicted, did you then have an
25	attorney?	

Did you tell her what story to tell the authorities

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1	gwjw 1 Monell - cross
	520
2	
3	A I don't remember.
4 .	Q Did there come a time when you again had
5	occasion to speak to Mr. Shapiro concerning your pending
6	case?
7	A Yes.
8	Q How long after the arraignment did that take
9	place?
10	A The time I don't remember.
11	Q When you did see him at that time, did you
12	still tell him the story that you had told originally,
13	that you had not shot the man?
14	A Could you ask the question again?
15	MR. PLATZMAN: Mr. Reporter.
16	(Question read)
17	A Was this at the plea?
18	Q If it was at the plea, you tell me about it,
19	whenever it did take place.
20	A I must have spoken to him. He was my lawyer.
21	Q Did you tell him when you spoke to him at the
22	time of the plea the same story that you discussed
23	originally, and that was that you hadn't shot the man?
24	A No, I don't believe I told him that, no.
25	O What did you tell him then?

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I believe Mr. Shapiro and I had a conversation when I was going to make my plea. He wanted me to take a plea. I was going to go to trial and I changed my mind.

Let me ask it this way --

THE COURT: I think the witness is still thinking. I do not think he has finished his answer. Have you, sir?

THE WITNESS: I'm confused.

THE COURT: Let me have the question repeated to you. If you can finish the answer, you go ahead. If you cannot, counsel will ask another question.

(Question read)

THE COURT: Do you want the question before that?

THE WITNESS: Yes, please.

THE COURT: Go back another question.

(Question read)

Mr. Shapiro and I had some discussion about the plea. I told him at that time that I wanted to plead guilty. I wanted to plead to second degree assault.

- This took place when, approximately? Q
- I don't know when.
- We are talking about the time when you changed Q your plea.

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Is that the time you are trying to talk about, Mr. Monell?

Yes. That's the one that sticks in my mind, yes.

Q There was a time when you were brought for the first time in court and you were asked how do you plead, and you pleaded not guilty; is that correct?

A Yes.

Q Then you saw Mr. Shapiro several times thereafter up until the time you say you had decided to change your plea to guilty to a lesser offense.

Yes. A

Did you ever tell Mr. Shapiro that you had shot theman?

No.

Was the story that you gave Mr. Shapiro the same story you described now as to how the occurrence took place?

MR. SCHWARTZ: I object to the form of the question, your Honor.

THE COURT: Yes. I think the form is improper.

Q From the time that you first told Mr. Shapero that you had not shot Mr. DeWeaver and described the occurrence up until the time of the change of plea, had

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you changed the description of your recounting of the incident in any way?

A I don't remember.

Q Prior to the point at which you decided you were going to change your plea, you say you had a conversation with Mr. Shapiro?

A Yes.

Q Tell us what you said and tell us what Mr. Shapiro said.

A The conversation -- the only conversation I remember with Mr. Shapiro was before the sentencing, the only one that stands out in my mind.

Q That was March 5, 1971?

A I'm not sure of the date.

THE COURT: You were sentenced twice?

THE WITNESS: Yes.

THE COURT: The record now reflects once on March 5th and once, the second time, on March 26th.

This conversation that you say stands out, was that before the March 5th or before the March 26th sentencing?

THE COURT: Before the March 5th sentencing?

THE WITNESS: Yes.

THE COURT: That is the conversation with

		524
1	gwjw 5	Monell - cross
2		that stand out?
3		THE WITNESS: The one that sticks in my mind,
4	yes.	
5	Q	That was on the same day?
6	A	What same day?
7		MR. SCHWARTZ: Objection to the form.
8	Q	Was it the same day of the sentence of March 5th?
9		THE COURT: Overruled.
10	A	Yes.
11	Q	Did you go to court on that day?
12	Ą	Yes.
13	Q	Do you remember how you got to court?
14	A	No.
15	Q	Did you drive?
16	A	I must have, yes.
17		THE COURT: You were out on bail at that time
18	just bef	ore sentencing on March 5, 1971; weren't you?
		THE WITNESS: Yes, your Honor.
19		Were you alone or did you go with someoner
	-	Miss York I believe was with me. Yes, she
	•	
	22 was.	When you got to court what did you do?
	23 0	Went to Mr. Shapiro's office first.
	24 A	Where did you leave Miss York?
	25 Q	Where did you

1	gwjw 6 Monell - cross
2	A She went with me.
3	Q To Mr. Shapiro's office?
4	A Yes.
5	Q Where was his office; do you know?
6	A Up from the Orange Inn. It was one of the
7	old buildings up from the Orange Inn, between the Orange
ť.	Inn and the County Jail.
9	Q So this was before you went to the courthouse?
10	A Yes.
11	THE COURT: On the morning you were to be
12	sentenced?
13	THE WITNESS: Yes.
14	Q Miss York went with you?
15	
16	Q Was there anyone else with you?
17	A Not that I recall, no.
18	Q Is this where you had your discussion with
19	Mr. Shapiro?
20	A In his office, yes.
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2	
2	A No, no, it was not.
2	Q What did you discuss with Mr. Shapiro on that
,	morning?

- 11				
1		gwjw 7	Monell - cross 526	
2		A	Mr. Shapiro asked me why I was reading guilty,	
3		why I wanted to accept this plea.		
4		Q	And?	
5		A	And?	
6		Q	What did you say?	
7		A	I told him not to worry about it, I knew what	
8		I was doi:	ng.	
9		Q	Anything else said?	
10		A	He said, "All right, let's go then. We will	
11		go to cou	irt."	
12			THE COURT: What day was this?	
13			THE WITNESS: The same date I was supposed to	
14	.	be sente	nced.	
1	5		THE COURT: That was sometime after you had	
1	6	entered	your plea; was it not?	
1	7		THE WITNESS: Yes, your Honor. Quite a long	
1	18	while.		
1	19	Q	You then went to the courthouse?	
	20	A	Yes.	
	21	Q	With Mr. Shapiro or without him?	
	22	A	I left before him and he was going to meet me	
	23	at the	courthouse.	
	24	Q	Did Miss York go with you?	
	25	A	Yes.	

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Q When you got to the courthouse, where did you go and where did Miss York go?

A To the courtroom, whatever one was assigned.

I don't remember the courtroom.

Q Did both of you walk into the courtroom?

A Yes.

Q Where did you stay, in the courtroom?

A Yes, until my case was called.

Q Did you sit in the courtroom during this period when other cases were being called?

A No, I don't think there was any other case.

One more case, but I was after that.

Q When you got to the courthouse itself, you walked into the lobby of the courthouse? You remember that?

A Mr. Shapiro had told me what time I had to be there, and that was the time I was there ready to go into court.

Q Do you remember what time that was?

A No.

Q You and Miss York walked into the anteroom cr the lobby of the courthouse, is that right?

A Yes.

Q Then did you stay in that lobby or did you walk

people in the courtroom that you recall?

24

	Monell - cross
1	gwjw 10 Monell Close A Yes, but I don't know who they were.
2	A Yes, but I don't know her or not the district
3	Q Do you recall seeing whether or not the district
4	attorney or assistant district attorney was there?
5	A Not right away they weren't there, no. They
6	came in five or ten minutes.
7	Q Did Miss York sit alongside of you on the bench
8	all this time while you waited for the judge and the
9	assistant district attorney?
10	A I'm not sure.
11	Q Eventually the judge came in; is that right?
12	A Yes.
13	Q And then was there any call of cases after
14	the judge came in?
18	A Yes.
10	Was yours the first case, the second, the
1	third, if you recall?
1	A The only one that I heard was my case.
	Q So that the first case that was called was yours?
;	20 A Yes.
	21 Q Did you stand up and walk forward?
	22 A Yes.
	23 Q Where was Miss York?
	24 A In back of the courtroom.
	25 Q She continued to sit on the bench?

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1	gwjw 11	Monell - cross
2	A	Yes.
3	Q	As you walked up did you see Mr. Shapiro?
4	A	Yes.
5	Q	Tell us what happened.
6	A	By that time everybody was there, Mr. Cohen,
7	the court	clerks, the judge and Mr. Shapiro, the probation
8	officer I	believe also, probation department.
9		walked Mr. Shapiro showed me where to sit.
10		speaking about my case, how I have been working
11	Whatever a	a lawyer does at that time. That's what he did.
12	Q	Did Mr. Cohen have anything to say?
13	A	No.
14	Q	Did anyone else have anything to say?
15	A	All I remember anybody speaking was the judge.
16	Q	Was what?
17	:	THE COURT: Was the judge.
18	A	Was the judge.
19		MR. PLATZMAN: Thank you.
2		I have no trouble hearing your Honor.
2	1 Q	Were you asked at some point to stand up?
2	2 A	Yes.
2	3 Q	When you stood up, was there anyone else
2	standing	up alongside of you?

Norman Shapiro.

- 11		331
1	gwjw 12	Monell - cross
2	Q	Anyone else?
3	A	Not that I remember.
4	Q	Then what happened?
5	A	The judge pronounced sentence.
6	Q	What was the sentence?
7	A	Zero to 2-1/2.
8	Q	Did you have anything to say at that time?
9	A	To Mr. Shapiro I did, yes.
10	Q	What did you say to Mr. Shapiro?
11	A	I said, "Something is wrong."
12	Q	What did he say?
13	A	He just looked at me like he didn't know what
14	I was tal	king about.
15	. Q	You had no other comment?
16	A	Not to Mr. Shapiro, no. I turned around to
17	Miss York	and I told her to get in contact with my
18	grandmoth	ner.
19	Q	Did you tell her that?
20	A	Yes.
21	Q	Did she come up to see you and talk to you?
22	A	She didn't have to. She heard me.
23	Q	You said she was across the courtroom.
24	A	Yes.
25	Q	She was sitting in the back somewhere; is that

At L ime, no. A

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Did Mr. Shapiro have any comment when you said that?

Mr. Shapiro was trying to get a hold of Judge A

1	gwjw 14 Monell - cross		
2	Isseks at the time. He was not interested in me. He was		
3	trying to get a hold of the judge.		
4	THE COURT: Did the judge start off the		
5	bench at that time?		
6	THE WITNESS: Yes, sir.		
7	Q Then what happened?		
8	A Then the police the sheriff's department		
9	came. I was sentenced and they came and took me away		
16	back to the County Jail.		
11	Q After you got into the jail, tell us what		
12	happened?		
13	A Tell us what happened after I got in jail?		
14	Q After you got into the County Jail.		
15	A I went back to my cell.		
16	Q Did you speak to Mr. Shapiro after that?		
17	A That same day?		
18	Q Yes.		
19	A I don't think so, no.		
20	Q Did you speak to anyone else that same day		
21	other than the people that were surrounding you in the		
22			
23	A That same day, I don't think so, no.		
. 24	O Did Florence York go back to see you that same		

day?

Not that say. I believe it was the following A

day. 3

What day of the week was this, if you recall?

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I don't recall.

6

You say Florence York came to see you the following day?

7 8

Yes.

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Incidentally --

10

The following visiting day, whatever that would

11

12

be.

Do you know what visiting days were? What were the days of the week that were visiting days?

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I don't have any idea what they were.

14 15

How many days elapsed between the time that you were brought back to the County Jail and the time she

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16

cameto visit you?

18

It seemed to me like another day, but it could have been one, it could have been two.

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Incidentally, when was the last time prior to your visit up here now that you had seen Florence York?

21 22

When was the last time prior to my visit coming to New York?

23

Yes. Q

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Three years ago. The last time I seen New York A

On the second occasion did you discuss the

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Doulin case?

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No. We discussed my case.

Q Prior to the time that you saw her three weeks ago, when was the very last time that you had seen her?

This morning.

No, no, before that. We go back three weeks ago.

What was the time prior to this three week date that we are talking about that you had seen her?

Three years ago.

That would be in 1972?

Yes, '71 or '72. A

> SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLEY SQUARE NEW YORK, N.Y. - 791-1020

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Q When Miss York came to visit you on the very first visiting date that was possible after your sentencing on March 5th, did you have a talk with her?

- A Yes.
- O And tell us what was said.
- A The first words out of my mouth were, "What went wrong?"
 - Q What did she sage
- A She said she didn't know the answer right then, but they were trying to get in contact with Mr. Doulin, to sit tight and she would let me know.
 - Q How long did she stay?
 - A A half-hour, probably.
 - Q What else did you talk about?
 - A The case.
 - O Your case?
 - A Yes.
 - Q Tell us what was discussed.
- A Nothing else really stands out in my mind that was important to me at the time.
 - Q You don't recall anything else?
 - A No.
 - Q Other that what you have just described?
 - A No.

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Q Prior to this March 5th date when you were going down for sentencing, can you tell us whether you had had any discussions with your grandmother concerning the advisability of changing your plea?

- A Yes, I did have a conversation with her.
- Q Was that before you had changed your plea, or after?
 - A It was before my sentencing.
- Q How much before the sentencing was your change of plea?
 - A I don't recall.
- Q Was the conversation before your sentencing and after the change of plea?
 - A It was before my sentencing.
- Q Do you know whether it was also before or after your change of plea?
 - A All I know is it was before my sentencing.
- Q You don't know whether it was before or after your change of plea?
 - A No.
 - And do you know where that conversation took place?
- A I believe it was at my trailer or my mother's trailer, by grandmother's trailer, either one. It's like community trailers there.

THE WITNESS: Yes. You can walk three minutes

How far was your trailer from your mother's

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the same area of land?

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5 from either one.

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THE COURT: It's like a cortege?

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THE WITNESS: Yes.

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trailer?

place?

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Twenty foot. A

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How far from your grandmother's trailer?

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Twenty foot. A

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Can you tell us, to the best of your recollection, how long prior to the sentencing this discussion took

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A No.

Was it the day before, a week before, a month before?

MR. SCHWARTZ: I object, your Honor.

THE COURT: I will let him answer once more. He has gone through it and he does not seem to know, but he is now asked a day, a week or a month before March 5th.

- It could have been two weeks. Two weeks.
- Q And who was present?
- My grandmother, myself, Miss York. A

- 1		
1	GWmch	Monell-cross 540
2	Q	Anyone else?
3	A	No.
4	Q	What was said?
5	A	My grandmother said my sentencing was coming up
6	soon and	I was to plead to attempted assault two.
7	Q.	I am sorry; I didn't hear that.
8	A	My sentencing
9		THE COURT: The reporter will read it back.
10		(Record read)
11	A	And I would receive five years probation.
12	Q	What did you say to that?
13	A	"Great."
14	Q	Did anyone else have anything to say about it?
15	A	Not that I recall, no.
16	Q	Did Miss York have anything to say about it?
17	Α.	No. There would be no reason for her to say
18	anything	
19	Q.	Was there any discussion that you recall between
20	your gran	ndmother and Miss York?
21	A	Not that I recall, no.
22	Q	Was there ever any other occasion when this same
23	subject	was discussed prior to that date?
24	A .	I believe that was just once that she told me
25	what my	sentencing would be, what I was to plead to. It was

were to go for sentencing on this case?

THE COURT: Let us hear what happened.

You had a conversation with your grandmother?

THE WITNESS: Yes. This was after my plea.

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THE COURT: There came a time you pleaded quilty

THE COURT: And originally you pleaded not guilty?

THE WITNESS: Not guilty.

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2 to something; is that correct?

THE WITNESS: Yes.

THE COURT: When was that?

THE WITNESS: The year I don't remember.

THE COURT: Did you plead guilty once or several times to the same charges?

THE WITNESS: Once.

THE COURT: And when you pleaded guilty on that one time -- first, do you remember when that plea was entered?

THE WITNESS: No.

THE COURT: Do you remember the charges to which you pleaded?

THE WITNESS: Yes.

THE COURT: And they were?

THE WITNESS: Attempted assault two.

- of From the time of this conversation prior to the sentencing on March 5th, which was, as you say, two weeks, was there any other discussion between you and your grand-mother until the date of the sentencing?
 - A There were discussions for a year.
- Q I am talking about what kind of a sentence you would get.
 - A I already was told what kind of sentence I would

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get. There didn't have to be any discussions.

Q So there was no other discussion among you and the members of your family concerning the sentence other than the one that took place about two weeks prior to March 5th?

A Yes, I believe there was one before that when I was in trouble in family court. Yes, there was.

Q At the time of this discussion you had eliminated your problem with family court, had you not?

MR. SCHWARTZ: Objection to this discussion.

THE COURT: Sustained.

Q We are talking about the discussion that took place about two weeks prior to March 5th.

A You are asking me if there was any conversation after that?

Q Yes.

A I don't remember.

Q Do you recall at some time just prior to Christmas you had trouble in family court?

A Yes.

Q And you were picked up for nonpayment of alimony or support?

A Support, yes.

Q And this was how long before Christmas?

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Monell-cross

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A One or two days -- no, it was two weeks before Christmas, three weeks before Christmas.

- Q How long did you sit?
- A Two weeks; maybe two weeks.
- Q Do you recall whether it might have been a few days?
 - A I think it was two weeks.
 - Q Okay.

THE COURT: This was about five years ago, was

it?

THE WITNESS: Yes, your Honor.

- Q And you were released from jail on this support problem?
 - A Yes.
 - O And this was before Christmas?
- A This was 9:00 or 10:00 o'clock at night before Christmas.
 - Q And then following that was the support paid up?
 - A don't really know what happened as to the support.
- Q Was it a fact that someone had paid the amount of support that as due at the time?
 - A I don't think it was, no.
- Q Was the amount still due and owing in January of '71?

- A It was still due as of two weeks ago.
- Q Do you know whether anybody paid anything following your discharge in December of 1970 on the support?
 - A I know I didn't.
 - Q Do you know whether anybody else did?
 - A My parents might have.

MR. SCHWARTZ: Objection.

THE COURT: I will let it stand.

O So that from the time you got out of the jail on this family court matter until the discussion that took place approximately two weeks before your sentencing, was there any discussion between you and your grandmother, or any other member of your family, concerning the expected sentence?

- A Yes.
- Q When was that?
- A It was before my first sentencing, after I got out of family court.
- Q You told us about that, the first sentence, which was about two weeks prior to the March 5th date, right?
- A Right. There was a discussion when I was let out of jail for Christmas, or whatever it was supposed to be, around Christmas time.
 - Q What was that discussion?

A That was a discussion I had with my grandmother the following day after I got out of jail. At the time she told me, "This was taken care of by our friend, so don't let him down. Work, make your support payments, stay out of Newburgh."

- Q Was there anything else talked about at that discussion?
 - A Nothing that sticks in my mind.
- Q From the time of that discussion until the time when you were told you would get probation, was there any other discussion concerning your sentencing?
 - A Yes, there was.
 - Q When did that take place?
- A No, I am sorry. It was after my sentencing that there was a discussion.
- about, the date when your grandmother told you you have to behave yourself after you got out of jail on the non-support problem and the time you were told you were going to get a five year probation, there was no further discussion concerning your sentence?
 - A Not that I remember.
 - All right.

And there was no further discussion between that

date when you were told you were going to get probation and the date when you were sentenced to 2-1/2 years?

A Not that I remember.

Q When for the first time after your sentence on March 5th, when you got the 2-1/2 years, was there any other discussion that you had with your grandmother concerning your sentence?

A Not between the first and the second sentencing, no. I didn't have any conversation with her.

Q All the discussions that you had were with Miss York?

A She was the most—least excited of anybody.

So anything I had to, that's who I said it through, that's right.

- Q Did she ever tell you you deserved to go to jail?
- A She probably said that a hundred times, yes.
- Q After you got out on March 25th -MR. PLATZMAN: I withdraw the question.
- Q Do you remember the resentencing on March 26th?
- A Yes.
- Q Had you been brought back to court at any time between the time of your sentence of 2-1/2 years and the resentencing when you got probation?
 - A I just remember the two times in court.

Anything else?

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EDITOR'S NOTE

when obtained, a corrected fiche will be forwarded to you.

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Did he ask you how this occurrence took place? Do you remember your explanation of it?

No.

Do you recall telling him that you didn't shoot Mr. De arer?

To I remember it? No, I don't.

- After you had made all the necessary arrangements with the probation department on March 26th, where did you go?
 - Home, High Falls, Ulster Lunty.
- Was there anybody there at the time that you were released?
 - No. A
 - How did you get home?
 - I don't remember.
 - Do you remember when you got home? Q
- No. I don't even remember -- I am not really sure I will have to retract that. I am not even sure I went home.
- Do you recall, if you think about it, where you might have gone?
 - No.
- Tell us, if you can recall, when was the nest time that you may have discussed this question of your

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MR. SCHWARTZ: Objection. Asked and answered.

THE COURT: After he was released on March 26th, that was. I am going to allow it.

Yes, I had occasion to speak to my grandmother about my sentence after that.

And what did she tell you?

sentence with anyone at home?

A Well, I think I had stayed away from my trailer for two or three days or a weekend, and when I came home she was very excited. She came running into my trailer hollering and screaming I didn't take care of myself, I cost her \$1,500, and this is my way of showing gratitude to my friend.

Q This took place right after you got home?

A Not the first time. A month or two after that, two months after that. This became a repeated thing. Whenever I did something wrong, that's what I heard.

- Do you recall now how long after the March 26th sentencing of probation it was that you did come home?
 - I didn't understand the question.
 - You left the courthouse after the probation? 0
 - Right. A
- And at some point you lid arrive in High Falls, right?

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Yes.

Do you recall how long after, how many days was it?

No, I don't recall. If I didn't go directly home, I don't know where I went.

- You don't recall where you went?
- No.
- Do you remember the first time you did get home after March 26th who was there?
- A I imagine my parents and my grandparents and Miss York.
 - Q Do you recall?
 - It doesn't stick in my mind, no.
- Did you at any time see Mr. Doulin after March 26, 1971?
 - Did I see him?
 - Yes.
- No. Possibly on the street, maybe waking on the street, driving a car.
 - Did you ever meet Mr. Doulin?
 - Maybe fifteen years ago. A
 - And what were the circumstances of that meeting?
- I believe it was my father's and mother's -- my grandmother's funeral.

1	GWmc	h	Monell-cross 555	
2		Q	Grandmother's what?	
3		A	Funeral.	
4	•	Q	There were other funerals you may have attended	
5	of th	ne fa	mily conducted by Mr. Doulin, then?	
6		A	Very possibly, yes.	
7	•		MR. PLATZMAN: May I have a moment?	
8			THE COURT: Yes.	
9			(Pause)	
10		Q	At this time, in March of 1971, after you returned	
11	from	jail	and were on probation, were you still living	
12	NOT THE REAL PROPERTY.		York?	
13		A	Yes.	
14		Q		
15			And for how long a period did you continue to her following that date?	
16		A		
17		Ω.	Roughly, about a year, a year and a half.	
18			And where did you live with her? High Falls.	
19		2	The same trailer?	-
20				-
21			The same property, yes.	
22			Were you still married at that time?	THE PERSON NAMED IN
23			I'm not sure.	THE RESERVE THE PERSON NAMED IN
24	with b		During the year or year and a half you lived	
25			York, was that a continuous period of time?	
	2	,	What would you say is "continuous"? Every day of	

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the week? No, not like everybody else; it was not continuous.

Q When you say it wasn't like everybody else, tell us in what way it was not like everyone else.

A It would be like -- I was with Miss York seven years altogether, so it would be like three years and a year. Maybe two months split in the middle or something like that.

- Q But during that last year and a half did you continue to live with her?
 - A Yes.
 - Q And then eventually you split up?
 - A Right.
- Q Did she go away or did you go away, if you remember?
 - A I went away. I went to Miami.
 - Q And she remained up in the Newburgh area?
 - A I believe so, yes.
- Q Following your probation in March of 1971, did there come a time when you violated probation?
 - A Yes.
 - Q When was that?
- A In the summer of '72, I guess. Whenever I left the state, that's when I would have violated it.

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1	GWmch	Monell-cross 557
2	Q	Do you recall whether that was in '71?
3	A	'71 or '72. '71.
4	· Q	About how long after this probation sentence was
5	it that y	ou violated probation?
6	· A	A year, a year and a half. '72.
7	Q	Do you know whether it was before you were
8	employed	by the FBI or after you were employed by the FBI?
9		MR. SCHWARTZ: Objection to the use of the word
10	"employed	1."
11		THE COURT: Sustained.
12	Q	Did there come a time when you did some work
13	for the	FBi and were paid by them?
14	A	Yes.
15	· Q	And when was that?
16	A	July of '71 or '72.
17	Q	Do you recall which one it was?
18	A	No.
19	Q	What did you do?
20	A	It was just prior to me leaving New York State,
21	whatever	that would be.
22	Q	And when you left New York State, where did you go?
23	A	Miami.

place prior to your leaving the state or after the time you

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Q And you say what you had done for the FBI took

558 Monell-cross 1 C 12 3 first laft the state? 2 Prior to leaving. 3 And how long did you stay in Miami? 4 A year; eight months or a year. 5 A And during that time were you in communication with 6 anyone up in the Newburgh area? 7 Not that I remember, no. 8 A Were you in contact with your family? 9 Q 10 No. Did you tell your mother and father where you 11 12 were? 13 No. A Did you write to them? 14 15 No. Did they write to you? 16 Q 17 A No. Did you supply them with your address? 18 Q No. 19 A How about your grandmother and grandfather? 20 Q 21 A No.

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Q How about Miss York?

A No.

Q Did you ever inquire as to what happened to the requirement you were to report to probation?

1	GWmch	Monell-cross 559
2	. A	No.
3	. Q	What of ce was involved in requiring you to
4	report wi	th respect to probation shortly after the
5	March 26t	th date?
6	A	What office?
7	Q	Yes, which probation office.
8	A	Ulster County. I was supposed to no, Goshen.
9	Q	And then did there come à time when that was
10	transferr	ed?
11	A	Yes, to Ulster County.
12	Q	About when did that take place?
13	A	Six months after the sentencing or four months
14	after the	sentencing.
15	Q	And who was your probation officer in Ulster
16	County?	
17	A	I don't remember his name.
18	Q	Did you report to him regularly up until the
19	time you	left the state to go to Miami?
20	A	Yes.
21	Q	Were there any violations at all between the
22	date that	it was transferred to Ulster County and the date
23	you left	for Miami that you know of?
24	Α .	Not that I know of, no.

In 1971 or 1972, you did some work for the FBI?

1	GWmch	Mcnell-cross 560
2	A	Yes.
3	. Q	Can you tell us the circumstances under which
4	that took	place?
5		MR. SCHWARTZ: Objection, your Honor.
6	-	THE COURT: Sustained.
7	Q	Tell us what happened.
8		MR. SCHWARTZ: Objection.
9		THE COURT: Sustained.
10	- 5	What did you do for the FBI?
11		MR. SCHWARTZ: Objection.
12		THE COURT: Sustained.
13		If you want to ask him anything about this case
14	and the F	BI, 900 may do that. Other activities, I will
15	sustain t	he objection.
16		MR. PLATZMAN: May we come up to the bench?
17		THE COURT: No.
18	Q	Did you get paid for whatever you did?
19	A	Yes.
20	Q	How long did you stay in Miami?
21	A	Eight months, maybe.
22	Q	And then where did you go?
23	A	St. Thomas, Virgin Islands.
24	Q	And that was approximately when?
25	A	November.

1	GWmch	Monell-cross 561
2	Q	'72?
3	. ~ A	Yes, yes.
4	Q	And did you go alone or did you go with somebody?
5	A	I went with a construction company.
6	Q	When you went there, did you go with somebody?
7	A	No. My myself. My employer sent me over all by
8	myself.	
9	Q	And was that someone you had known in Miami?
10	A	Not before coming to Miami, no.
11	Q	Did you meet him in Miami?
12	A	Yes. I applied for a job, he hired me. He was
13	my boss.	
14	Q	Then he was the one that sent you to the Virgin
15	Islands?	
16	A	Yes.
17	Q	And from the time you went down to Miami until
18	the time	you went to the Virgin Islands, did you come back
19	to the	New York area?
20	A	No.
21	Q	Did you go to any other place outside of Miami
22	during	that period at all?
2	3 A	No.
2	4 Q	And after you went to the Virgin Islands, did
	- 11	

you communicate with anyone at home?

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- Not for the first two years, I don't think so, no.
- Did your mother and father know where you were?
- Yes.
- When did they find out where you were?
- Two years after I was there.
- I am talking up to the point before the two years.
- No. They had previously tried to find out where I was from the probation department, but the probation department said they didn't know.
- When for the first time after going to the Virgin Islands did you leave the Virgin Islands?
 - I don't remember.
 - Did you come back to the New York area?
 - Yes.
 - And do you recall when that took place?
- No.
 - Where did you go when you came back to the New York area?
 - When I came back to the New York area? High Falls, Newburgh.
 - I'm sorry.
 - Both Newburgh and High Falls. A
- How did you get back? Did you fly in or by boat?
- Flew. 25

1	GWmch	Monell-cross 563
2	Q	You flew in?
3	A	Yes.
4	Q	Did you purchase your own ticket?
5	A	I paid my own way up here, yes.
6	Q	Did anybody ask you to come back to the New York
7	area or N	ewburgh?
8	A	Yes.
9	· Q	Who was that?
10	A	Mr the Assistant Attorney General. I don't
11	know his	name.
12	Q	Was it Mr. Silverman?
13	A	I was subpoensed to come back. Silverman, that's
14	right.	
15	Q	was under subpoena?
16	A	Yes.
17		Did you go to the U. S. courthouse first, and
18	then to	Newburgh, or did you go to Newburgh first?
19	A	I believe I went to the courthouse first.
20	Q	The courthouse?
21	A A	That's what you said, the courthouse.
22	2 Q	Yes. Do you know the date?
2	3 A	No.

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When you left the courthouse, what did you do?

Then I went up to -- not Mr. Schwartz' office,

. 1	GWmch	Monell-cross 564
2	but whate	ever whoever the Assistant Attorney General
3	was at th	ne time, I went to his office.
4	Q	And how long did you stay there?
5	A	I don't recall.
6	Q	Did you speak with anyone?
7	A	Yes.
8	Q	With whom?
9	A	You mentioned his name before, but I don't remember.
10	Q	Mr. Silverman?
11	A	That's right.
12	Q	Anyone else?
13	A	Mr. Reutter.
14	Q	Is that the gentleman sitting at the table?
15	A	Yes, right here.
16	Q	And can you tell us what was said during that
17	discussi	on?
18		MR. SCHWARTZ: I will object to that, your
19	Honor.	
20		THE COURT: Sustained.
21	Q	Will you tell us what you said?
22		MR. SCHWARTZ: Objection, your Honor.
23		THE COURT: I will let him answer.
24	A.	Do I remember exactly what was said?
25	0	Yes.

1	GWmch	Monell-cross 565	
2	T	HE COURT: In substance at least.	
3	. ο ο	r substance.	
4	A I	t was about the Doulin case.	
5	Q W	ell, what was discussed?	
6	м	R. SCHWARTZ: Objection, your Honor.	
7	Т	HE COURT: What did you say? What did you tell	
8	him about t	the Doulin case, if you recall?	
9	т	THE WITNESS: I don't recall.	
10	Q 9	Who was present at that discussion?	
11		MR. SCHWARTZ: Asked and answered, your Honor.	
12		THE COURT: Well, I am not sure. I heard something	
13	about a Mr.	. Silverman, but I am not sure.	
14	A 1	Mr. Silverman and Mr. Reutter.	
15	Q .	Anyone else?	
16	A 1	Not that I remember, no.	
17	Q	How long did that session last?	
18	A	I don't recall.	
19	Q	And did you leave the office that day?	
20	A	Yes.	
21	0	Was there any discussion at that time about your	
22	having vio	plated probation?	
23	. A	No, not that I remember, no.	
24	Q.	You knew you were in violation of probation at that	
25	time, didr	n't you?	
	A	I knew it, but I don't know if they did.	
			1

			gw:mg	Monell-cross 566
7b	pm	2	9	Q Did you ask them how they found you?
		3		A No. Q Then what did you do after you left the office?
		5		A I don't remember. I drove to upstate New York.
		6		Q Where did you go?
		7		A Newburgh, I believe.
		8		Q And whom did you see when you got there?
		9		A I don't recall.
		10		Q Did you see your mother and father?
				A Not in Newburgh, no.
		11		Q How long did you stay in Newburgh?
1		13		A I don't remember.
		14		Q Was it more than one day?
		15		A No.
1		16	,	Q Did you stay overnight in Newburgh?
		ľ	,	A I might have.
			8	Q Do you recall where you stayed?
			19	A No.
				A No. Q When for the first time after you left Newburgh
			20	Q When for the residence of your parents and grand-
23			22	parents? A The next day. I didn't go to the residence, no.
				Q' You didn't go what?
			24	A I didn't go to my parents' and grandparents'
			25	

1	gw mg 2 Monell-cross
2	residence. I went to an ice cream stand they own, Dairy
3	Queen. I met them there. That's far removed from the
4	property in High Falls.
5	Q Was this during the day?
6	A Night.
7	Q Did you see both your mother and father as well
8	as your grandparents?
9	A I didn't see my grandparents.
10	Q your mother and father?
11	A That's right.
12	Q Did they ask you where you had been?
13	A Yes.
14	Q Will you tell us whether anything was discussed
15	concerning your case?
16	A Yes.
17	Q Did that include a discussion in relation to the
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21	Q Did you discuss the question of probation at all?
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2	the U. S. Attorney's Office?

Yes.

	568
Monell-cross	

Q Can you tell us when you visited the U. S. Attorney's Office, what you told Mr. Silverman and Mr. Reutter?

MR. SCHWARTZ: Objection, your Honor. The question has been asked and answered as to what he told Mr. Silverman and Reutter at the U.S. Attorney's Office?

MR. PLATZMAN: He answered generally he talked about the Doulin case.

I want to know what specific information he supplied them.

THE COURT: Go ahead. I will let you.

Overruled.

THE WITNESS: Would you repeat the question? (Question read)

A I don't remember.

THE COURT: He answered that before.

You asked it the second time. Ask your next ques-

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- Q How long did you stay at High Falls that day?
- A Three hours.
- Q Did you sleep over?
- 22 A No.
- 23 Q Where did you go?
- 24 A To New York.
- 25 Q And where in New York City did you go?

	569
1	gw:mg 4 Monell-cross
2	A A hotel, but I forget what one.
3	Q How long did you stay in New York City at that
4	hotel?
5	A Overnight.
6	Q Do you remember the date?
7	A No.
8	Q Did you go in to see anyone at the U. S. Attorney'
9	Office or the FBI on the following day?
10	A Not that I remember.
11	Q Did you ever go back to the U. S. Attorney's
12	Office?
13	A Yes.
14	Q When?
15	A Three or four months after that or six months
16	after that.
17	Ω Do you recall whether that first visit was in
18	September of 1974 or some other date?
19	A September would be right, yes That would be
20	the first visit, September.
21	Q And on that date did you also testify before
22	the grand jury?
23	A Yes.
24	Q The same day as you came that first time?
25	A I don't think I did the first time, no.

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- 11	570
1	gw:mg 5 Monell-cross
2	Q Do you remember whether it was on the first day
3	you had spoken to Mr. Silverman and Mr. Reutter and after
4	talking to them you went and testified before the grand
5	jury?
6	A I don't remember, no.
7	Q Or was that on another date?
8	A It could have been on another date.
9	Q Did there com a time when you did testify before
0	the grand jury?
11	A Yes.
12	Q Do you recall whether that was the first, second
13	or third visit?
14	A I do not recall, no. It wasn't the third. It
15	had to be the first or second.
16	Q It wasn't the first visit, is that what you are
17	telling me?
18	MR. SCHWARTZ: Objection.
19	THE COURT: Sustained.
20	Q Tell us, when was it?
21	A I don't remember.
22	Q You testified just a few moments ago you don't
23	think it was the first visit, is that true?
24	A Right.

MR. SCHWARTZ: Objection, your Honor.

your memory as to which visit?

Not really, no.

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the grand jury was in September of 1974, would that refresh

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Q On the occasionwhen you testified before the grand jury, did you, prior to doing so, also speak with anyone from the U.S. Attorney's Office or the FBI?

A Yes.

Q And was it the same two gentlemen that you referred to a few moments ago?

- A Yes. Yes. They asked me questions, yes.
- Q Do you recall what you said to them?
- A No.
- Q Did they ask you questions about the Doulin case?
- A Yes.
- Q And you gave them information?
- A Yes.
- Q Do you recall whether you told them that your grandmother had said she had given Mr. Doulin \$1500?

MR. SCHWARTZ: Objection, your Honor.

THE COURT: Overruled.

- A Do I recall it? No, I don't recall it.
- Q Did you ever tell either of those gentlemen anything about the \$1500?
 - A I'm not sure.
- Q Do you recall whether you told either of these gentlemen that you had been assured that your grandmother had taken care of the fact that you were going to get a

1	gw:mg 9 Monell-cross
2	A I don't understand your question.
3	Q You said that this time you testified before the
4	grand jury was on either the first visit or the second
5	visit?
6	A Right.
7	Q In any event, you werehere twice prior to your
8	testimony?
9	A Yes.
10	Q And on both occasions you gave them substantially
11	the same information?
12	A Yes.
13	Q And substantially the information that you had
14	given to the grand jury at that time in September of 1974?
15	A Yes.
16	Q When you came up the first time
17	THE COURT: Do you have many more questions,
18	counsel?
19	MR. PLATZMAN: Yes, I still have a line.
20	THE COURT: A line?
21	MR. PLATZMAN: A line of questions.
22	THE COURT: Well, continue.
23	MR.PLATZMAN: I don't want to place anyone in
24	the position of running this much over but I am in a position
00	where I have to examine my witness.

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THE COURT: I expect you to. I expect you to ask all the questions that you feel are necessary.

When you came the first time up to New York, did anyone say to you, either from the U. S. Attorney's Office or the FBI, "If you testify in the Doulin matter, you would have no trouble on your violation of probation"?

A No.

Q When you went back to Newburgh and High Falls, did anyone from the Ulster County Probation Department contact you?

A No.

Q When you came back to New York the second time, were you told by anybody from the U. S.Attorney's Office or the FBI that if you cooperated in the Doulin case you wouldn't have to worry about your violation of probation?

A No.

Q Do you know whether there is a warrant out for you on the violation of probation?

- A There is no warrant, no.
- Q Did you report to the probation officer?
- A I have a hearing coming up in December some time.
- Q And when was that hearing set?
- A When is it set?
 - Q When was it set?

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SOUTHLAN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

- 11	370
1	gw jmg 11 Monell-cross
2	A The 30th of the month. The 30th of last month.
3	Q September or October?
4	A Last month.
5	Q October 30th?
6	A Yes.
7	Q About ten days ago?
8	A Right.
9	Q Was it on for hearing on October 30th?
10	A Yes. They are waiting for a probation report.
11	That's why I didn't have the hearing quicker.
12	Q Was it on for hearing on October 30th?
13	A I don't know. I will have to ask my lawyer.
14	Q Was it adjourned from October 30th to December?
15	A Yes.
. 16	Q Do you know whether it was on for a hearing at
17	any other date prior to October 30th?
18	A Yes, it was.
19	Q When was that?
20	A I believe I went before Angelo Ingrassia, Judge
21	Angelo Ingrassia. He disqualified himself in the case.
22	. Q And when was that?
2	A I do.'t remember the date.
2	Q Was this on the last visit or the visit before?
2	A Last visit.

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.	gw:mg 12 Monell-cross
2	Q This visit you areon now?
3	A Yes. Q How soon after y u got to the New York area was
5	Q How soon arter? it that you had this hearing on before Judge Ingrassia?
6	A I don't remember.
7	Q Were you in court on that day?
8	A I surrendered myself in New York State September
9	7th or October 7th. September 7th, I believe, I sur-
10	rendered myself to the New York State Police.
11	They took me up to Goshen. I went before
12	Judge Angelo Ingrassia. He disqualified himself. I
13	is a days for another judge. I got a judge IIom
1	all the judges up there must have disqualified themselves
1	because I could only get one judge from Westchester County
1	6 to hear my case.
	Q And when it was on before Judge Ingrassia, it
	was then adjourned to October?
	To whenever they could find a judge.
	Q And who was the judge sitting in October?
	A Gorian. I don't know how to spell his name.
	Judge Gorian, Westchester County.
	23 Q And he adjourned it until December?
	A That's right.
	25 Q Who was present at that hearing?

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Q Can you tell us what was discussed at the time of that hearing?

A No.

Q Was there any reference to the fact that you were to be used and needed as a witness in the Doulin case?

A None whatsoever. Never mentioned.

Q Was that mentioned to you after the case was adjourned by anyone?

A Yes. I think my attorney told me.

Q Mr. Burke?

A My attorney, Mr. Burke.

Q And then when the case was on for hearing on October 30th, it was adjourned and you were released?

A Released, no. I put up bail, bail money.

Q How much bail?

A \$3,500 in cash and a note for \$6,500.

Q Did you supply that?

A I supplied it, yes.

Q Was that bail that was fixed by the judge that you say came from Westchester?

A That's right, yes. The Bondsman, he wanted \$5,000 in cash.

Q Mr. Morell, do you remember testifying before the grand jury?

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A Yes.

Q Do you remember being asked this question -MR. SCHWARTZ: May I have a page, please?
THE COURT: Yes. Page and line, please.

MR. PLATZMAN: Page 7, Line 4.

Q "Q During the time you were in the Goshen jail, did you have a conversation with Mrs. Grant?"

Do you remember being asked that question?

- A No.
- Q Do you remember making this answer: "I believe once or twice, yes."
- A I don't remember that statement, no.
- Q Same page, Line 8.

Do you remember being asked this question and making this answer:

"Q Did she tell you during that period she was able to get in contact with Mr. Doulin and that it had been taken care of and that you would be resentenced?

"A Yes, because Mr. Doulin I believe was on vacation in the Bahamas or Florida."

Do you remember making that answer to that question?

- A Yes, I do.
- Q And do you remember -- same page, Line 18 -- being asked this question and making this answer:

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"Q Prior to your second sentencing, Mrs. Grant told you that they were able to get in contact with Mr. Doulin and that you would be resentenced?

"A Right."

Do you remember being asked that question and making that answer?

- A No, I don't remember it.
- Q Page 5, second line. Do you remember being asked these questions and making these answers:
- "Q During the time of April 1968 to December 1970, that was the time you entered your plea?

"A Yes."

MR. SCHWARTZ: Objection to that question and answer. I will hand it up to the Court. It is 3505, the first Q and A.

THE COURT: I presume he intends to continue to read.

MR. PLATZMAN: Yes, your Honor.

THE COURT: That is in my judgment, Mr. Schwartz, preliminary to what follows.

You may proceed.

- Q Then were you asked the question:
- "Q Did you have a discussion or any conversation with Mrs. Jean Grant about her speaking to Mr. Doulin in

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reference to your case?

"A Yes, I did.

"Q Did she tell you that she had spoken to Mr. Doulin and that your case would be taken care of?

"A Yes, she had made the necessary arrangements and that is the way it came out.

"Q Did she tell you at that time what the amount of money was that would be paid in order to take care of your case?

Yes. "A

"Q Was it \$1,500?

"A Yes, it was common knowledge.

"Q But that is what she told you it was, \$1,500, is that right?

Yes." "A

Do you remember those questions and giving those answe 3?

No.

MR. PLATZMAN: No other questions.

THE COURT: We will recess at this time, ladies and gentlemen.

First, I apologize for your staying over. I will try to terminate on time.

I do appreciate the jury's careful consideration

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of this long day of testimony. As you leave, I would admonish you once again, please do not discuss the case among yourselves nor remain within the presence of any other person who might be discussing the case.

In the event you learn anything about this case from any source whatsoever outside this courtroom, including television, radio or any other media, you are directed to report this matter to me at once when we reassemble tomorrow morning.

Finally, please keep an open mind on all facets of the case until the case has been concluded and given to you following my charge.

The jury is excused. They are directed to return to hear this case tomorrow morning at 10:00 a.m. Thank you very much.

Good night, everybody.

(The jury leaves the courtroom.)

THE COURT: Mr. Schwartz, will you require the witness for any redirect examination?

MR. SCHWARTZ: Yes, I will, your Honor. I would ask your Honor to direct him to return tomorrow morning.

THE COURT: I thought we might finish tonight.

I will direct you to return to finish your examination tomorrow morning at 10:00 a.m.

THE WITNESS: Yes, your Honor.

THE COURT: We will put you on promptly and I am hopeful we will be able to conclude your examination tomorrow morning.

MR. SCHWARTZ: Your Honor, while we have a moment outside the jury's presence, it an earlier time, on April 16, 1975, Mr. Monell executed a waiver of his attorney-client privilege in this case. Although it may not have been relevant up to this point, I think with the following witness it may be important, and I thought he should agree in court it is his signature, although it is a notarized document, so we have no problem should he leave the jurisdiction to return to the Virgin Islands or wherever he may go.

THE WITNESS: This is the one I filled out in

THE COURT: You signed this waiver?

THE WITNESS: Yes.

THE COURT: It was explained to you by signing this document you were waiving your attorney-client privilege; is that correct?

THE WITNESS: Yes, your Honor.

MR. SCHWARTZ: That has been marked 3512 for identification, and Mr. Platzman does have a copy of it.

Monell

THE COURT: Very well.

Anything further?

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MR. SCHWARTZ: There is one further matter relating to another witness in the case, one that has not responded to a subpoena. That is Mrs. Grant, who was directed to be here at 2:00 o'clock today.

THE COURT: Yes, she was by me directly.

MR. SCHWARTZ: Your Honor, although Mrs. Grant is of advanced age, I am constrained to ask for a material witness warrant for Mrs. Grant. I tell the Court that we will do our best to bring her in in the morning, when it is most convenient for her, drive her in. I will do everything we can to make it convenient, but we must get her here.

THE COURT: Yes, I indicated to her her presence here is essential. I recognize her advanced age and her general feelings in the matter, which are strong. But, as I told her on the telephone this morning, this case is on trial here, it is a serious matter for all who are concerned with it.

Number one, I am prepared to sign a material witness warrant if you have it, and, number two, I would suggest that if you speak with your grandmother, Mr. Monell, you indicate that it is extremely important that she be

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Good night.

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here. I recognize the problem that she has with her health. We will try very hard to accommodate her in every way, not to make her appearance unduly hard upon her.

MR. SCHWARTZ: Thank you, your Honor.

I do not have the warrant with me. Would it be possible to have it signed later today or the first thing in the morning?

THE COURT: First thing in the morning.

The with may step down.

See you to orrow morning.

THE WITNESS: Yes, sir.

THE COURT: Anything further, gentlemen?

MR. SCHWARTZ: Nothing further, your Honor.

(Discussion off the record)

THE COURT: The Court grants the application of the Government for a material witness warrant and directs the issuance of a warrant.

In the meantime, the agents are orally directed to carry out the warrant which would authorize you to take the witness into custody and produce her here before the Court tomorrow morning as close to 10:00 a.m. as possible.

MR. SCHWARTZ: Am I correct, your Honor, that is

GWmch Monell 587-500

for the United States marshall or any other duly authorized law enforcement off er?

THE COURT: I am going to make that for the United States marshal, and I am going to add special service by any agent of the FBI who may be requested to work on the matter. So I am issuing a warrant directing that it be executed by the marshal and by the Federal Bureau of Investigation to the extent permitted by law.

Anything further?

MR. SCHWARTZ: No, your Honor.

(Adjournment taken to November 11, 1975, at 10:00 a.m.)